

18 NOVEMBER 1947

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18 NOVEMBER 1947

I N D E X
of
EXHIBITS

<u>Doc.</u>	<u>Def.</u>	<u>Pros.</u>	<u>Description</u>	<u>For</u>	<u>In</u>
<u>No.</u>	<u>No.</u>	<u>No.</u>		<u>Ident.</u>	<u>Evidence</u>
2761	3470		Affidavit of OIKAWA, Koshiro		33336
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2691	3472		Affidavit of TAKATA, Toshitane		33365
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Tuesday, 18 November 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE SIR WILLIAM F.
14 WEBB, Member from the Commonwealth of Australia and
15 HONORABLE JUSTICE R. B. PAL, Member from India, not
16 sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, IMTFE.)

W 1 MARSHAL OF THE COURT: The International
o 2 Military Tribunal for the Far East is now in session.
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3 ACTING PRESIDENT: All of the accused are
4 present except MATSUI, who is represented by coun-
5 sel. We have a certificate from the prison surgeon
6 at Sugamo to the effect that he is ill and unable
7 to attend the trial today. The certificate will
8 be recorded and filed.

9 Mr. Brannon.

10 MR. BRANNON: I wish to ask a few ques-
11 tions on behalf of the accused SHIMADA, pertaining
12 to a matter brought up by the prosecution.
13 - - -

14 K A T S U O S H I B A, called as a witness on
15 behalf of the defense, resumed the stand and
16 testified through Japanese interpreters as
17 follows:
18

CROSS-EXAMINATION (Continued)

19 BY MR. BRANNON:

20 Q Now, Mr. SHIBA, in paragraph 8 of your affi-
21 davit, you state that OKA "was compelled to accede
22 to the wishes of those in a better position to pass
23 upon such questions," and the prosecution further
24 asked you to name those who compelled him to drop
25 the proposed amendment, and your answer was, and I

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20 CROSS-EXAMINATION (Continued)

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23 davit, you state that OKA "was compelled to accede
24 to the wishes of those in a better position to pass
25 upon such questions," and the prosecution further
asked you to name those who compelled him to drop
the proposed amendment, and your answer was, and I

1 quote, "I have not heard of any names."

2 Now, regardless of whether you know the
3 names, can you tell us the section or organization
4 of the government to which you refer?

5 A I meant the authorities of the Foreign
6 Office, which was the government office concerned
7 and which also had charge of such matters.

8 Q Then, I will ask you if there was ever any
9 member, any section, or any group of the Navy which
10 at any time ever opposed your proposed correction
11 to the last notification?

12 A There were no such persons in the Navy
13 Ministry.

14 Q And, when it came to the question --

15 THE INTERPRETER: Correction: "...in the
16 Navy."

17 Q (Continuing) -- of passing on a diplomatic
18 notice or a matter relating to international law,
19 did your section consider themselves more expert than
20 the Foreign Office and therefore in a position to
21 insist upon your opinion?

22 A We didn't think so. We felt that the
23 Foreign Ministry was more versed in such matters
24 than we.

25 MR. BRANNON: That is all, Mr. President.

1 MR. ROBERTS: May the witness be excused
2 on the usual terms?

3 ACTING PRESIDENT: He will be so excused.

4 (Whereupon, the witness was ex-
5 cused.)
6 - - -

7 MR. ROBERTS: We call as our next witness
8 OIKAWA, Koshiro.
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OIKAWA

DIRECT

33,336

1 K O S H I R O O I K A W A, recalled as a witness
2 on behalf of the defense, having been previous-
3 ly sworn, testified through Japanese interp-
4 reters as follows:

5 **ACTING PRESIDENT:** You are reminded that
6 you are still under your former oath.

7 DIRECT EXAMINATION

8 BY MR. ROBERTS:

9 Q Please state your name and address.

10 A My name is OIKAWA, Koshiro; my address is
11 112 Tamagawa, Kaminoge-machi, Setagaya-ku, Tokyo.

12 MR. ROBERTS: May the witness be shown
13 defense document No. 2761.

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Is this your affidavit?

17 A Yes.

18 Q Are the contents therein correct and
19 true?

20 A Yes.

21 MR. ROBERTS: I offer in evidence defense
22 document No. 2761.

23 ACTING PRESIDENT: The document will be
24 admitted.

25 CLERK OF THE COURT: Defense document No.

OIKAWA

DIRECT

33.337

1 2761 will receive exhibit No. 3470.

2 (Whereupon, the document above
3 referred to was marked defense exhibit
4 No. 3470 and received in evidence.)

5 MR. ROBERTS: I shall read exhibit 3470,
6 omitting the formal parts:

7 "I was a former Admiral in the Navy. I was
8 appointed Navy Minister in the Third KONOYE Cabinet
9 on July 18, 1941, and served in that capacity until
10 the said Cabinet resigned on October 16, 1941.
11 During my tenure of office, OKA, Takazumi, was the
12 Director of the Naval Affairs Bureau.

13 "I attended the Liaison Conferences between
14 the Imperial Headquarters and the Government. This
15 was a gathering of the high ranking men in the
16 Supreme Command, that is, Chief of Army General
17 Staff, Chief of Naval General Staff, Deputy Chiefs
18 of both Staffs and the Cabinet Ministers, represent-
19 ing the Government, in order to bring about an
20 understanding between the political functions and
21 the Supreme Command. The meeting was not formally
22 arranged, the discussions were informal, and no
23 votes were taken. The matters which were unanimous-
24 ly agreed upon at the Liaison Conference were
25 carried out by Government organs or the Supreme

MR. ROBERTS: It is a correction merely, your Honor.

ACTING PRESIDENT: All right, you can correct it at the proper time.

BY CAPTAIN ROBINSON:

Q Now a final question, Mr. "witness":

You refer in your affidavit, at page 4, to Prince KONOYE and the navy. At the middle of the page you state, and I quote your words:

"Needless to say, the navy did all it could to avoid war with the United States. And this sentiment among naval circles was communicated to Premier KONOYE"; and dropping down a few sentences: "As the Prime Minister too" -- that is, KONOYE -- "was of exactly the same opinion as the navy..."

Now, as a matter of fact, is it not true that Prince KONOYE on or about October 16, 1941, the day when his cabinet, including yourself, went out of office, said this? "It is indeed cowardly of the navy not to avow its opposition to war with America."

A I have never heard of Prince KONOYE making such a statement.

Q And are you aware, Mr. Witness, of the fact that the defendant KIDO stated in this courtroom, upon cross-examination by the Chief of Counsel, that the

1 Command in the regular channels. The Liaison Con-
2 ference not being an official organ, therefore it
3 is not an organ which is charged with responsibility,
4 it was simply held for the convenience of those
5 parties concerned who met and discussed matters in-
6 formally. For that reason, the responsibility of
7 the Chiefs of Staff of both services and of the
8 State Ministers could not be diminished or altered
9 on account of the Liaison Conferences.

10 "OKA attended the Liaison Conferences in
11 the capacity of 'Kanji' or Secretary, but was
12 'Jimukan' or Official Clerk of the Conference, and
13 not a member of the Conference. Therefore, he did
14 not affix his signature to matters taken up at the
15 Conference. In the capacity of Secretary, OKA could
16 only make explanations at the Conference when he was
17 asked to do so by a member of the Conference. He
18 had no part in the discussion, and he had nothing
19 to do with the making of any decisions whatsoever.
20 His primary duty was to supply information to the
21 members when called upon to do so.

23 "OKA likewise usually attended the Imperial
24 Conferences with the Navy Minister if not ordered to
25 go elsewhere. His presence at the Imperial Confer-
ence gave him no right of expression or voting, and

OIKAWA

DIRECT

33,340

1 he had no voice at the Conference.

2 "OKA, as Director of Naval Affairs Bureau,
3 attended the meetings of the Investigation Committee
4 of the Privy Council as 'explainer' only when inves-
5 tigation involved matters pertaining to the Navy,
6 he was never permitted to express himself or vote
7 at such meetings, and could not take part in the
8 decisions which were arrived at. It was his duty
9 to present data which was required by the Navy
10 Minister when he spoke at such meetings. There were
11 also 'explainers' from other Ministers, who attended
12 these meetings, but their presence did not affect
13 the decisions reached at such meetings. The pre-
14 paration of the agenda for these meetings was pre-
15 pared by the Privy Council itself, and OKA, as the
16 Director of Naval Affairs Bureau, did not attend the
17 meetings of the Privy Council.

18 "OKA, as Director of Naval Affairs Bureau,
19 did not attend any of the Cabinet meetings.

20 "During my tenure of office as Navy Minister,
21 OKA always acted under my commands and orders and
22 never acted upon his own personal opinion. That
23 was not only due to Government organization, but I
24 observed that OKA was not the type of person who
25 acted in disregard of his superiors.

OIKAWA

DIRECT

33,341

"The position of Director of Naval Affairs
1 Bureau at the Imperial Headquarters, together with
2 the Vice Navy Minister, Director of Mobilization
3 Bureau and two or three Chiefs of Sections, was that
4 of an aide to the Navy Minister within the Imperial
5 Headquarters; however, so far as I am aware neither
6 I nor OKA, as Director of Naval Affairs Bureau, ever
7 attended any of the conferences of the Imperial
8 Headquarters during my tenure of office.

"In early August, 1941, when we were told
9 by Prince KONOYE about intentions of a direct con-
10 ference with President Roosevelt, we attached great
11 expectations to it. We requisitioned the merchant
12 ship Nitta Maru for that purpose and completed all
13 preparations. Because of his intense interest in
14 the negotiations, I had unofficially selected Keijun
15 OKA as one of the Naval attendants to the suite of
16 Prince KONOYE.

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1. "Even after October came, U.S.-Japanese
2. negotiations did not make the progress which we had
3. expected and according to the 'Outlines on Accomplish-
4. ment of the Empire's National Policy,' which was
5. approved at the Imperial Conference of 6 September
6. we had to decide our attitude towards the continuation
7. of the United States-Japanese negotiations. Needless
8. to say the Navy did all it could to avoid war with
9. the United States. And this sentiment among naval
10. circles was communicated to Premier KONOYE. In the
11. midst of such circumstances, the reasons for entrusting
12. the decision as to whether or not we should continue
13. negotiations to the Prime Minister was because I
14. considered the following: namely.

15. "It was my opinion that if the Navy made
16. a public announcement that it 'lacked confidence
17. in fighting the United States,' it would lead to
18. (create) the disruption of national opinions, cause
19. the pitting of the Army against the Navy and consequent-
20. ly develop into a grave internal problem. As the
21. Prime Minister, too, was of exactly the same opinion
22. as the Navy, and this problem, moreover, had an
23. important bearing on the overall national strength
24. and hence should not be dogmatically concluded solely
25. on the basis of the Navy's standpoint.

1 " When OKA stated to Kenji TOMITA, then the
2 Chief Secretary of the Cabinet, in answer to an
3 inquiry from MUTO that the Navy could not state that
4 it could not fight he was conveying the intention
5 expressed by me as Navy Minister. I had previously
6 informed TOJO that the greatest work confronting
7 Japan at the moment was the termination of the China
8 Affair, and that I could not make public the fact
9 that the Army and Navy had opposing views thereon,
10 and that we ought first to let Prime Minister KONOYE
11 decide and then abide by this decision. It
12 is incontravertible that at that time OKA was my
13 subordinate and was in no position to make any
14 decision on his own authority as to whether or not
15 the Navy could wage war. I had many conversations
16 with OKA concerning the Japanese-American negotiations,
17 and he expressed himself strongly in favor of continuing
18 such negotiations. At the time of my resignation as
19 Navy Minister, OKA remained as Director of Naval
20 Affairs Bureau due to the fact that his term of shore
21 service, which was ordinarily fixed at two years,
22 and the term of office of both the Vice-Minister of
23 Navy and Director of Naval Affairs Bureau had another
24 year to run. OKA tendered his resignation, but since
25 his term of office had not yet expired, such a

OIKAWA

DIRECT

33,343

1 " When OKA stated to Kenji TOMITA, then the
2 Chief Secretary of the Cabinet, in answer to an
3 inquiry from MUTO that the Navy could not state that
4 it could not fight he was conveying the intention
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21 service, which was ordinarily fixed at two years,
22 and the term of office of both the Vice-Minister of
23 Navy and Director of Naval Affairs Bureau had another
24 year to run. OKA tendered his resignation, but since
25 his term of office had not yet expired, such a

1 request was denied, and I told OKA that he and the
2 Vice-Minister should remain in the Navy Ministry
3 and continue to do everything in their power to
4 bring about a compromise in the American-Japanese
5 negotiations.

6 "In the Navy it was customary when a new
7 Minister was appointed not to shift those below the
8 Vice-Minister, therefore, regardless of whoever the
9 Prime Minister might have been then, personnel below
10 the rank of Vice-Minister were not affected thereby."

11 Other counsel have questions to ask on
12 direct.

13 ACTING PRESIDENT: Mr. Logan.

14 MR. LOGAN: If the Tribunal please, I would
15 like to ask a few questions on behalf of the accused
16 KIDO.

17 DIRECT EXAMINATION (Continued)

18 BY MR. LOGAN:

19 Q Admiral, do you recall it to be a fact that
20 the Emperor on or about the 17th day of October, 1941,
21 after the resignation of the KONOYE Cabinet, told you,
22 in substance, that cooperation between the Army and
23 Navy should be made closer than ever before?
24

25 A I remember that.

Q And is it not a fact that when you withdrew

1 request was denied, and I told OKA that he and the
2 Vice-Minister should remain in the Navy Ministry
3 and continue to do everything in their power to
4 bring about a compromise in the American-Japanese
5 negotiations.

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21 after the resignation of the KONOYE Cabinet, told you,
22 in substance, that cooperation between the Army and
23 Navy should be made closer than ever before?
24

25 A I remember that.

Q And is it not a fact that when you withdrew

1 from the audience before the Emperor that KIDO, Lord
2 Keeper of the Privy Seal, told you, in part, that he
3 had presumed that you had just received Imperial
4 words in regard to cooperation between the Army and
5 the Navy?

6 A Yes, he did.

7 Q Now, what did you understand or interpret
8 those words to mean?

9 A I interpreted the Emperor's words to mean
10 that both the Army and the Navy should reject all
11 obstacles which hitherto had presented themselves
12 and which might tend to make impossible the further
13 continuance of Japan-American negotiations, and from
14 a new and impartial standpoint confer with each other
15 for the purpose of striving to solve the situation
16 peacefully. This was because the Emperor had always
17 earnestly desired for the peaceful solution of the
18 situation.

19 Q Now, Admiral, when you withdrew from the
20 audience of the Emperor, I understand that you and
21 General TOJO were seated alone in the room waiting
22 for KIDO to come in and that you had a conversation
23 with General TOJO at that time. What was that
24 conversation?

25 A I have forgotten the details of our

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18 situation.

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20 audience of the Emperor, I understand that you and
21 General TOJO were seated alone in the room waiting
22 for KIDO to come in and that you had a conversation
23 with General TOJO at that time. What was that
24 conversation?

25 A I have forgotten the details of our

1 conversation. The general outline was as follows:

2 I talked with TOJO in an effort to ascertain
3 his true -- the firmness of his resolution to throw
4 away all obstacles which had been obstructing our
5 path in the past to wipe the slate clean and to start
6 out afresh in line with the words which I have just
7 received from the Emperor.

8 Q What else did he say? Did he say that he
9 would do that?

10 A I received the impression that TOJO did have
11 a strong resolve to carry that out.

12 Q Now, Admiral, did KIDO or any one on his
13 behalf ever speak to you and suggest that SHIMADA be
14 appointed Navy Minister?

15 A No, nothing of the kind happened.

16 Q Was SHIMADA appointed Navy Minister at the
17 request of General TOJO or any one on his behalf?

18 A That also did not happen.

19 Q What were the circumstances surrounding the
20 appointment of Navy Minister SHIMADA?

21 A I myself felt that SHIMADA would be the most
22 appropriate person to take charge of the Navy Ministry
23 and to help solve the situation, and did my utmost
24 to persuade SHIMADA to accept the post. Other Navy
25 leaders also felt the same way as I did.

1 Q Did any one outside of the Navy Ministry or
2 Naval circles bring any pressure whatsoever to bear
3 with respect to the appointment of Admiral SHIMADA
4 as Navy Minister?

5 CAPTAIN ROBINSON: Just a minute, if the
6 Court please.

7 ACTING PRESIDENT: Captain Robinson.

8 A No.

9 CAPTAIN ROBINSON: The prosecution objects
10 to that question, if the Court please, on the ground
11 that it calls for a very wide conclusion on the part
12 of the witness. It is a bit difficult to understand
13 just whether this is cross-examination or direct
14 examination of the defense' own witness, but I believe
15 that objection is appropriate under the circumstances
16 as I understand it--

17 THE MONITOR: Just before Captain Robinson
18 spoke up, the witness replied "No, never."

19 CAPTAIN ROBINSON: (Continuing) -- and that
20 the answer therefore should be stricken out as well
21 as the question disallowed.

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OIKAWA

DIRECT

33,348

K 1 MR. LOGAN: If the Tribunal please, the form of
a 2 the question is, in my submission, perfectly all right,
p 3 and it is asked for the purpose of combatting the
l 4 prosecution's contention that KIDO, and I quote the
e 5 prosecution's contention: "...induced the Emperor to
a 6 give, or gave in the Emperor's name, an instruction to
u 7 the Navy which could only mean that they should appoint
& 8 a Navy Minister who would do whatever TOJO told them,"
K 9 and for that purpose I am asking that question.
n 10 This witness is the one who perhaps had the most
a 11 to do with the appointment of SHINADA, and he certainly
p 12 would be the proper party to answer that question.
p 13 And of course there is implied in the question that I am
p 14 asking him of his own knowledge.
p 15

MR. BRANNON: Mr. President, I am vitally concerned with this question because I represent the accused SHIMADA.

ACTING PRESIDENT: Are you objecting to the question?

MR. BRANNON: I am merely stating some information to the Tribunal that may assist them in ruling on this.

ACTING PRESIDENT: I asked if you were making an objection.

MR. BRANNON: No, I am not, but the Tribunal

may be interested in what I am going to say.

1 In the individual defense --

2 ACTING PRESIDENT: It seems to me that under
3 our rules you are not entitled to be heard on that basis.

4 MR. BRANNON: I know of no rule that forbids me
5 from making a statement to the Tribunal, especially if
6 I consider it as a guide to them in making a ruling.

7 ACTING PRESIDENT: It makes two counsel arguing
8 against the objection.

9 MR. BRANNON: Well, if the Tribunal please, in
10 the individual defense of the accused SHIMADA this ques-
11 tion will be fully covered.

12 ACTING PRESIDENT: Before you make any further
13 statement, let me get the sentiment of the Tribunal.

14 The majority will hear you.

15 MR. BRANNON: This is a double-barreled issue
16 in that it affects both KIDO and SHIMADA. This witness
17 is the only man who can answer the question. Therefore,
18 anticipating the defense of Admiral SHIMADA, I have pre-
19 pared an affidavit which touches only on the appoint-
20 ment of SHIMADA and this witness' connection therewith.
21 Since the accused KIDO is equally concerned, I am in no
22 position either to object or to confirm the question
23 that Mr. Logan asked, but merely to inform the Tribunal
24 that the point will be covered in some detail in the

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1 individual defense of Admiral SHIMADA.

2 MR. LOGAN: I have no desire, if the Tribunal
3 please, to interfere with the defense of SHIMADA, but
4 I feel that while this witness is on the stand I should
5 be permitted to ask this question in case anything hap-
6 pened to him between now and when the time comes for
7 SHIMADA to present his defense. I might add it is the
8 last question I intend to ask this witness.

9 ACTING PRESIDENT: Will the court reporter
10 read the question, please?

11 (Whereupon, the last question was
12 read by the official court reporter.)

13 A No.

14 CAPTAIN ROBINSON: If the Court please, I be-
15 lieve that counsel did modify the question by saying,
16 "so far as your personal knowledge goes." And the
17 answer of the witness was "Yes," as I understand it?

18 MR. ROBERTS: No, it was "No."

19 ACTING PRESIDENT: What is the answer, Mr.
20 Reporter?

21 COURT REPORTER: The answer was "No."

22 MR. ROBERTS: You may cross-examine.

23 ACTING PRESIDENT: Captain Robinson.

24 CAPTAIN ROBINSON: If the Court please.

CROSS-EXAMINATION

BY CAPTAIN ROBINSON:

Q Mr. Witness, your tenure of office as Navy Minister, during the time while the defendant OKA was Director of the Naval Affairs Bureau, lasted less than three months, did it not?

A I am not able to recollect just how many months it was.

Q Well, in your affidavit you state it was from 18 July to 16 October 1941. Is that not correct? Therefore, your tenure expired before General TOJO took office, keeping the defendant OKA as Chief of the Naval Affairs Bureau until the TOJO Cabinet fell in 1944, is that not correct?

A Yes, as you say.

Q At page 5 of your affidavit you state that the reason why the defendant OKA remained as Director of the Naval Affairs Bureau in the TOJO Cabinet was that, and I quote your words, "His term of shore service which was ordinarily fixed at two years" had another year to run.

Now, as a matter of fact, was it not true that Admiral OKA spent more than ten of the fourteen years preceding 1945 ashore in Navy Headquarters?

A The previous -- OKA's previous long term of shore service was in consideration of his health. I did

CROSS-EXAMINATION

1 BY CAPTAIN ROBINSON:

2 Q Mr. Witness, your tenure of office as Navy
3 Minister, during the time while the defendant OKA was
4 Director of the Naval Affairs Bureau, lasted less than
5 three months, did it not?

6 A I am not able to recollect just how many months
7 it was.

8 Q Well, in your affidavit you state it was from
9 18 July to 16 October 1941. Is that not correct? There-
10 fore, your tenure expired before General TOJO took office,
11 keeping the defendant OKA as Chief of the Naval Affairs
12 Bureau until the TOJO Cabinet fell in 1944, is that not
13 correct?

14 A Yes, as you say.

15 Q At page 5 of your affidavit you state that the
16 reason why the defendant OKA remained as Director of the
17 Naval Affairs Bureau in the TOJO Cabinet was that, and
18 I quote your words, "His term of shore service which was
19 ordinarily fixed at two years" had another year to run.

20 Now, as a matter of fact, was it not true that
21 Admiral OKA spent more than ten of the fourteen years
22 preceding 1945 ashore in Navy Headquarters?

23 A The previous -- OKA's previous long term of
24 shore service was in consideration of his health. I did

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1 not mean by my affidavit that every person in the navy
2 spent alternately two years at sea and then two years
3 on land. Therefore, when I stated that OKA still had
4 more than one year to remain as Chief of the Naval
5 Affairs Bureau, I meant that in the ordinary course of
6 events OKA's term of service as Chief of the Naval
7 Affairs Bureau should run for at least one year more.

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1 Q Very well. Now, on page 3, the middle
2 paragraph of your affidavit, you state that Admiral
3 OKA, as Director of the Naval Affairs Bureau, did
4 not attend any of the cabinet meetings. Do you base
5 that statement on your own personal knowledge, or
6 if not, what is the source of your information?

7 A I made that statement because I myself attended
8 the cabinet meetings and also because, even speak-
9 ing from the point of view of OKA's position as
10 Director of the Naval Affairs Bureau, that position
11 did not entitle him to sit at cabinet meetings.

12 Q That is, you did not attend all cabinet meet-
13 ings that were held during the time when OKA was
14 Director of the Naval Affairs Bureau, did you?

15 A Of course it is as you say. But the govern-
16 ment structure of Japan was such that the Director
17 of the Naval Affairs Bureau could not attend cabinet
18 meetings, and I have never heard of any instance
19 where such a director did attend. Therefore I am
20 able to say with conviction that OKA never attended
21 any cabinet meetings.

22 Q But not from personal knowledge?

23 A My knowledge and from the regulations.

24 Q Now, in regard to Liaison Conferences, you
25 speak of Liaison Conferences at the middle of page 2

1 of your affidavit and describe OKA's position and
2 participation in Liaison Conferences.

3 You never attended Liaison Conferences, did
4 you?

5 A I don't know to what Liaison Conferences you
6 are referring to. I understand your question to refer
7 to the Liaison Conferences which were held between the
8 government and the Supreme Command, and I make my
9 reply accordingly. To these conferences the Navy
10 Minister always --

11 THE INTERPRETER: Correction: The Navy
12 Minister always attended these conferences.

13 Q Therefore your statement is limited to the
14 three months during which you were Navy Minister
15 while OKA was Director of the Naval Affairs Bureau,
16 that is, in the TOJO administration?

17 MR. ROBERTS: May I correct the impression?
18 The witness's affidavit says he was appointed in the
19 third KONOYE Cabinet on July 18, 1941, but I believe
20 he will also tell this Tribunal that he was likewise
21 Navy Minister in the second KONOYE Cabinet, dating
22 back to September, 1940.

23 ACTING PRESIDENT: We don't need these
24 interruptions and explanations unless you are making
25 an objection.

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REDIRECT

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navy could have prevented the war?

A That is the opinion of Marquis KIDO and of
Prince KONOYE, I suppose. I can say nothing about
that. I don't know anything about their opinions.

CAPTAIN ROBINSON: That is all.

REDIRECT EXAMINATION

BY MR. ROBERTS:

Q Admiral, did you also serve as Navy Minister
in the second KONOYE Cabinet?

A Yes, I did.

Q From what date?

A I cannot recall the exact date. The best I
can remember is that it was around September or
October of 1940.

Q So that OKA served under you for approximate-
ly one year, is that not correct?

A Yes, that is so.

MR. ROBERTS: May the witness be excused on
the usual terms?

ACTING PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

MR. ROBERTS: We call as our next witness
NOMURA, Naokuni.

1 N A O K U N I N O M U R A, recalled as a witness
2 on behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 ACTING PRESIDENT: You are reminded that
6 you are still on your former oath, witness.

7 DIRECT EXAMINATION

8 BY MR. ROBERTS:

9 Q Please state your name and address.

10 A My name is NOMURA, Naokuni. My address is
11 1 2-chome, Setagaya-ku, Tokyo.

12 MR. ROBERTS: May the witness be shown
13 defense document 1780?

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Please examine this document and tell us
17 whether or not it is your sworn affidavit.

18 A This is my affidavit.

19 Q Are the contents therein correct and true?

20 A They are true and correct.

21 MR. ROBERTS: I offer in evidence defense
22 document No. 1780.

23 ACTING PRESIDENT: The document will be
24 admitted.

25 CLERK OF THE COURT: Defense document 1780

NOIURA

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will receive exhibit No. 3471.

(Whereupon, the document above referred to was marked defense exhibit 3471 and received in evidence.)

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1 MR. ROBERTS: I read exhibit No. 3471,
2 omitting the formal parts:
3 "I am a former Admiral of the Navy. On
4 July 17, 1944, I replaced Navy Minister Admiral
5 Shigetaro SHIMADA and assumed the portfolio of Navy
6 Minister. At that time OKA, Takazumi was Director of
7 Naval Affairs Bureau.

"On July 16, 1944, before I entered the Cabinet, I had an interview with Prime Minister TOJO. He asked my opinion so I expressed the desire that someone from among the former premiers, for instance, such as Admiral YONAI, should be requested to enter the Cabinet in order to strengthen the Cabinet.

14 "On the 17th Premier TOJO sent a messenger
15 to me and requested me to urge Admiral YONAI to enter
16 the Cabinet. I understood that the foregoing request
17 of the Prime Minister was based on my interview had
18 with Premier TOJO on the 16th. I immediately dis-
19 patched OKA, on my behalf, to Admiral YONAI to convey
20 the Prime Minister's message.

21 "In about an hour OKA returned and stated
22 that Admiral YONAI did not wish to enter the Cabinet.
23 OKA reported that Admiral YONAI desired to remain free
24 from the Cabinet, but that he would be willing to
25 resume active service and serve as a member of the

NOMURA

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Supreme War Council. Thereupon, I personally called
1 on Admiral YONAI and discussed the foregoing matter.

2 "In light of the foregoing it is clear that
3 the idea of asking Admiral YONAI to enter the Cabinet
4 was solely my idea, and that OKA acted upon my orders.

5 "With respect to such a matter the Director
6 of Naval Affairs Bureau is subject to the orders of
7 the Navy Minister, and cannot act independently of
8 his own free will."

9 You may cross-examine.

10 ACTING PRESIDENT: Captain Robinson.

11 CROSS-EXAMINATION

12 BY CAPTAIN ROBINSON:

13 Q Admiral, you were the Japanese naval repre-
14 sentative at Berlin while the defendant, General
15 OSHIMA, was the Japanese Ambassador to Berlin?

16 A Yes.

17 Q And you were also the Japanese Commissioner
18 at Berlin on the German-Italian-Japanese Military
19 Commission under the Tri-Partite Pact from 1940 until
20 1943, is that not correct?

21 A Yes.

22 Q In your earlier career in the Navy you were
23 particularly interested in the submarine service, were
24 you not?

1 A I have served in connection with submarines.

2 Q Is it not true, Admiral, that both you and
3 Admiral OKA had specialized in the Japanese Navy
4 Submarine Service?

5 A I don't think you could say I was an expert
6 in regard to submarines but I have served as staff
7 officer of a submarine squadron.

8 Q And both you and the defendant OKA had been
9 instructors in submarine schools?

10 A For one year I was president -- I was
11 principal of the submarine school.

12 Q And OKA, likewise, had served in connection
13 with Japanese submarine schools, is that not correct?

14 A That is my understanding.

15 Q Another common interest which you shared
16 with Admiral OKA was an interest in politics, was it
17 not?

18 A The only time I have ever been together with
19 OKA politically speaking was when I became Navy
20 Minister.

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1 Q On page 1 of your affidavit, Mr. Witness,
2 you state that on or about 17 July, 1941 you sent
3 Admiral OKA to see Admiral YONAI to advise him that
4 General TOJO desired that YONAI join the TOJO Cabinet,
5 and you say that about an hour later Admiral OKA re-
6 turned and reported to you the results of his mission.

7 ACTING PRESIDENT: I understood you to say
8 1941. I believe you mean 1944.

9 CAPTAIN ROBINSON: 1944.

10 Q (Continuing) Then the question is, Mr.
11 Witness, in other words, when you had a political
12 mission on the highest level in Tokyo, you called on
13 Admiral OKA to do it for you, didn't you?

14 A When I received this message from General
15 TOJO, I was talking with someone else; I was occu-
16 pied. And, therefore, for the time being I sent
17 OKA in my stead.

18 Q Admiral OKA did not object to the assign-
19 ment, did he?

20 A No, he didn't.

21 Q Both you and Admiral OKA favored a strong
22 single political party in Japan such as the ICAA, did
23 you not?

24 A For the five years previous to my appoint-
25 ment as Navy Minister I had not been in Tokyo at all;

1 and, when I received an urgent telegram calling me
2 to Tokyo, I had no knowledge of the situation in
3 Tokyo.

4 Q However, during that period while you were
5 in Germany you kept in touch with the Nazi Party and
6 its leaders, did you not?

7 A I was not in contact with them. Whenever a
8 telegram came from Tokyo, my duty was to transmit
9 it to them.

10 Q When Admiral Doenitz granted permission to
11 you to return to Japan by submarine, he also provided
12 that the new group leader of the Nazi Party's foreign
13 division for Japan should accompany you on the same
14 submarine, did he not?

15 A My understanding was that we were merely
16 fellow passengers on the same submarine.

17 Q What was the name of that group leader?

18 A He was called Spahn.

19 Q And upon his arrival in Japan, did he ad-
20 vise you and OKA and others in regard to methods of
21 making the IRAA as strong as the Nazi Party in Germ-
22 any?

23 A I never talked even once either with OKA
24 or with Spahn on such matters.

25 CAPTAIN ROBINSON: That's all, Mr. Witness.

BEDIRECT EXAMINATION

BY MR. ROBERTS:

Q Admiral, in your knowledge, did OKA ever engage in politics?

A I had met OKA from time to time since the days when he served on a submarine, but I have never felt that OKA was a man who went ahead and did things on his own other than those matters on which he had received orders.

MR. ROBERTS: May the witness be excused
on the usual terms?

ACTING PRESIDENT: He will be excused accordingly.

(Whereupon, the witness was excused.)

We will recess for fifteen minutes.

(Whereupon, at 1045, a recess was taken until 1100, after which the proceedings were resumed as follows:)

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TAKATA

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: At this time we call the witness
5 TAKATA, Toshitane.

6 MARSHAL OF THE COURT: Mr. President, the
7 witness TAKATA is in court. He has previously testi-
8 fied before this Tribunal.

9 ACTING PRESIDENT: You are reminded that you
10 are still under your former oath.

11 - - -
12 T O S H I T A N E T A K A T A, recalled as a witness
13 on behalf of the defense, having been previously
14 sworn, testified through Japanese interpreters as
15 follows:

16 DIRECT EXAMINATION

17 BY MR. ROBERTS:

18 Q Please state your name and address.

19 .. My name is TAKATA, Toshitane. My address is
20 955 1-chome, Tamagawa, Naka-machi, Setagaya-ku, Tokyo.

21 MR. ROBERTS: May the witness be shown defense
22 document No. 2691

23 (Whereupon, a document was handed to
24 the witness.)

25 Q Please examine this document and tell us whether

or not it is your sworn affidavit.

1 A This is my affidavit.

2 Q Are the contents therein true and correct?

3 A Yes.

4 MR. ROBERTS: I offer in evidence defense
5 document No. 2691.

6 ACTING PRESIDENT: The document will be admitted
7 in evidence.

8 CLERK OF THE COURT: Defense document 2691
9 will receive exhibit No. 3472.

10 (Whereupon, the document above re-
11 ferred to was marked defense exhibit No. 3472
12 and received in evidence.)

13 MR. ROBERTS: I read exhibit No. 3472, omitting
14 the formal parts:

15 "I was formerly Rear Admiral of the Navy. From
16 July 1, 1935 to November 15, 1937, I was on the staff
17 of Section One, Naval Affairs Bureau, and had charge
18 of naval organization and personnel. Then from
19 November 15, 1940 to July 14, 1942, I assumed the post
20 of Chief of Section One, Naval Affairs Bureau, and had
21 charge of matters relating to armaments and military
22 administration. During this period the Director of
23 Naval Affairs Bureau was OMA, Takazumi and I was one of
24 his subordinates.

1 or not it is your sworn affidavit.

2 A This is my affidavit.

3 Q Are the contents therein true and correct?

4 A Yes.

5 MR. ROBERTS: I offer in evidence defense
6 document No. 2691.

7 ACTING PRESIDENT: The document will be admitted
8 in evidence.

9 CLERK OF THE COURT: Defense document 2691
10 will receive exhibit No. 3472.

11 (Whereupon, the document above re-
12 ferred to was marked defense exhibit No. 3472
13 and received in evidence.)

14 MR. ROBERTS: I read exhibit No. 3472, omitting
15 the formal parts:

16 "I was formerly Rear Admiral of the Navy. From
17 July 1, 1935 to November 15, 1937, I was on the staff
18 of Section One, Naval Affairs Bureau, and had charge
19 of naval organization and personnel. Then from
20 November 15, 1940 to July 14, 1942, I assumed the post
21 of Chief of Section One, Naval Affairs Bureau, and had
22 charge of matters relating to armaments and military
23 administration. During this period the Director of
24 Naval Affairs Bureau was OMA, Takazumi and I was one of
25 his subordinates.

1 "OKA exerted his efforts to the best of his
2 ability with the idea of avoiding war with the United
3 States. He expressed himself as being constantly
4 worried because the American-Japanese negotiations
5 could not be concluded. I recollect that it was in
6 early August 1941 that he was in a very happy mood after
7 he had returned to his office. He called me in a loud
8 voice. When I went up to him he stated: 'The Govern-
9 ment wants to commandeer one steamer secretly, have
10 you any good ideas?'

11 "Anything happened?" I asked him.

12 "This matter cannot be made public yet, but
13 Premier KONOYE is strongly determined to go out to meet
14 the President of the United States and have direct nego-
15 tiations with him," OKA said.

16 "Then I replied, 'The matter might leak out if
17 the Cabinet were to hire the steamer, or if an order
18 were issued to Nippon Yusen Kaisha, so it would be better
19 to make it appear that the Navy has commandeered the
20 steamer for use in the China Incident, and for the
21 Cabinet to make the necessary disposition of the ex-
22 penses involved.'

23 "The next day OKA ordered me 'to prepare the
24 steamer which was discussed yesterday,' and as a result
25 of my contact with the people connected with the

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1 commandeering of ships, the Nitta Maru of the Nippon
2 Yusen Kaisha was commandeered. The Nitta Maru was
3 routed to Yokosuka Naval Base, and then several wire-
4 less telegraphy sets and technicians from the Naval Base
5 were put on board the steamer which returned to Yokohama.
6 These wireless telegraphy sets were installed and the
7 steamer stood ready to sail at a moment's notice. More
8 than ten telegraphy personnel including some highly
9 capable men chosen from among the instructors at the
10 Naval Telegraph School were billeted at the Yokosuka
11 Naval barracks ready to board the Nitta Maru immediately
12 when any order for her departure was announced. When
13 the head of the Bureau of Education raised the question
14 that the singling out of these capable instructors would
15 disrupt the training of the Navy's telegraph operators,
16 OKA disposed of the objection saying that it was necessary
17 to prepare such personnel for the Nitta Maru since he
18 felt that the policy of a successful conclusion of the
19 American-Japanese negotiations was a vital matter. Dur-
20 ing the entire period that I served under OKA, I have
21 never seen such an expression of happiness shown upon
22 his face as at the time when he ordered me to make pre-
23 parations for the Nitta Maru, and cannot forget his
24 excited countenance as he announced that Premier KONOYE
25 has decided to go and see President Roosevelt.

TAKITA

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1 "The Nitta Maru was moored in Yokohama Harbor
2 and remained there until after the outbreak of war.
3 The removal of the additional wireless apparatus which
4 had been installed, and the assumption of her duties
5 as the Navy's commandeered steamer actually commenced
6 after the war with the United States.

7 "With respect to the difficult point in the
8 American-Japanese negotiations involving the question
9 of the withdrawal of troops from China, OKA stated that
10 he favored their withdrawal so that the China Incident
11 would be settled promptly that Japan should not plunge
12 into war with the United States, and he exerted his best
13 efforts to avoid such war. While the American-Japanese
14 negotiations were going on and if they took a favorable
15 turn, even slightly, OKA's face brightened. On the
16 contrary, if they took an unfavorable turn, his expres-
17 sion became very sad, he was unhappy and hardly spoke.
18 I remarked to someone, 'We can tell the turn of events
19 in the American-Japanese negotiations by watching OKA's
20 face.'

22 "In January 1941, when a lecture meeting
23 sponsored by the Chuo Bukka Kyoryoku Kaigi (Central
24 Prices Cooperative Council) attended by several hundreds
25 of influential people, was held in the Bar Association
Building, the sponsors requested Director OKA to

1 express the Navy's views. Director OKA, after obtain-
2 ing permission from his superiors, dispatched me as his
3 representative to give the lecture. It was OKA's idea
4 that the development of the State should be along peace-
5 ful, economic lines and the policy of the State should
6 be peaceful. Therefore, he instructed me to deliver
7 the lecture along these lines and I did so, as my
8 personal opinion coincided with his. I expressed the
9 feeling that the object of the Navy was not only to wage
10 war but was primarily important for providing a back-
11 ground for the development of a merchant fleet."

12 I have an additional question to ask this
13 witness.

14 BY MR. ROBERTS (Continued):

15 Q Mr. TAKATA, have you testified previously
16 in this Tribunal in detail concerning the authority of
17 the Navy Minister over prisoners of war?

18 A I testified on that point on the second of
19 September before this Tribunal -- second of September
20 this year.

21 MR. ROBERTS: I respectfully refer this Tribunal
22 to exhibit 3065 contained in record pages 27,354 to
23 page 27,370.

24 Q Mr. TAKATA, is there any specific provision
25 in the Imperial Ordinance relating to the organization

TAKATA

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1 of the Ministry of the Navy which fixes the responsi-
2 bility over prisoners of war?

3 A. There is no regulation clarifying that point
4 in Navy Regulations -- in regulations of the Navy
5 Ministry.

6 MR. ROBERTS: At this time I again refer the
7 Tribunal to exhibit 3055 which is Regulations for Treat-
8 ment of Prisoners of War by the Navy Ministry.

9 ACTING PRESIDENT: Captain Robinson.

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CROSS-EXAMINATION

1 BY CAPTAIN ROBINSON:

2 Q Admiral TAKATA, when you testified here on
3 2 September 1947 you testified that Section 1 of the
4 Naval Affairs Bureau after December 8, 1941 was the
5 section in the Navy Ministry that handled matters per-
6 taining to prisoners of war, is that not correct?

7 A I don't think I said after September 4 --
8 did I say after September 1941?

9 Q December.

10 A I testified that although the Navy Ministry
11 regulations contained no allusion to prisoners of war,
12 nor is there any reference to prisoners of war in the
13 business regulations of the Navy Ministry since matters
14 pertaining to prisoners of war belong to matters rela-
15 ting to general naval administration, prisoner of war
16 affairs came under the jurisdiction of the first sec-
17 tion of the Naval Affairs Bureau.

18 Q That answer then is yes?

19 A Yes.

20 Q Did you not testify at that time also that
21 Section 1 handled liaison work within Japan in connec-
22 tion with prisoners of war, and that Section 2 handled
23 matters relating to international points affecting
24 prisoners of war?

A I said that Section 2 served as a sort of clearing house for matters concerning relations -- international relations regarding prisoners of war.

In regard to the other points, it is as you have just said.

Q Now, in your present affidavit at page 3, middle paragraph, you speak of the Nitta Maru, stating, and I quote your words: "The assumption of her duties as the Navy's commandeered steamer actually commenced after the war with the United States."

A Yes.

Q Under the arrangement which you have stated, and under the plan by which the Navy Ministry assumed control over prisoners of war, did the Navy Ministry have the responsibility for delivering the prisoners to the Army?

A I cannot clearly understand you.

Q Let me state the question again. I will rephrase the question. Drawing your attention to the use of the Nitta Maru as a prisoner of war transport and specifically to a voyage in January 1942 from Wake to Shanghai, who was in charge of the prisoners of war aboard the Nitta Maru and responsible for their safety so far as the Navy Ministry was concerned?

MR. ROBERTS: I object on the ground that

1 this question is outside the scope of the affidavit.
2 The witness covered this question fully in the exhibit
3 which I referred to in his previous testimony, a matter
4 properly within the general phase.

5 CAPTAIN ROBINSON: Does the Court wish to
6 hear me on that further?

7 ACTING PRESIDENT: The Tribunal would like to
8 hear you.

9 CAPTAIN ROBINSON: In this affidavit the wit-
10 ness points out that the defendant OKA was responsible
11 for the Nitta Maru having been brought into the service
12 of the Navy Ministry. Then in the lines which I have
13 quoted the witness proceeds to say that her -- that the
14 Nitta Maru's duties as a commandeered steamer actually
15 commenced after the war with the United States.
16

17 Now, following up that connection, if the
18 Court please, it appears that it may be appropriate
19 here to determine whether or not evidence already
20 before this Tribunal may not be supplemented by showing
21 the continuation of the service of the Nitta Maru and
22 the responsibility for this trip that has come into
23 evidence.

24 MR. ROBERTS: I submit, if the Court please,
25 there is no connection between the two incidents, and
the fact that the Navy had commandeered this ship for

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1 other purposes is not connected with the purpose men-
2 tioned in this affidavit.

3 ACTING PRESIDENT: By a majority, the objec-
4 tion is sustained.

5 CAPTAIN ROBINSON: Two brief questions, then
6 that will conclude this subject.

7 Q As the officer in charge of Section 1, did
8 you get a report of the passengers who were placed
9 aboard the Nitta Maru at Wake in January 1942 for
10 transportation to Shanghai?

11 MR. ROBERTS: I make the same objection as I
12 made to the previous question.

13 ACTING PRESIDENT: The same objection applies
14 here. The objection is sustained.

15 CAPTAIN ROBINSON: Very well, your Honor.
16 That concludes the cross-examination.

17 MR. ROBERTS: May the witness be excused
18 upon the usual terms?

19 ACTING PRESIDENT: The witness is excused ac-
20 cordingly.

21 (Whereupon, the witness was excused.)
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MR. ROBERTS: At this time I desire to read several excerpts from exhibit 2866 and exhibit 2913 which have not been read.

12 "In view of the importance of the matter,
13 I summoned a joint conference of high government and
14 military leaders for 8 o'clock that very night.

15 "The Government was represented by the Premier,
16 the Home Minister, the War and Navy Ministers and also
17 by Mr. OHASHI, Vice-Minister of Foreign Affairs. The
18 Chiefs of the Army and Naval General Staffs represented
19 the Supreme Command. Also present were the Directors
20 of the Military Affairs Bureaus of the War and Navy
21 Ministries, and the Chief Cabinet Secretary."

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1 Skipping to page 3, third paragraph:

2 " There was no denying, however, that despite
3 his outward demeanor, the Foreign Minister was giving
4 concentrated thought to the handling of the problems
5 then pending between America and Japan. It was
6 learned later that on his sickbed MATSUOKA had been
7 closely examining both the text of the American pro-
8 posal and the revision of the same which had been
9 drawn up by the appropriate authorities of the army,
10 navy, and foreign ministries. In addition, he was
11 also thoroughly revising the latter."

12 I skip to page 4, next to the last paragraph:

13 " Deliberations on the Japanese-American
14 Proposal for Understanding thus began again. Joint
15 conferences were held on July 10 and 12, which con-
16 sidered the American proposal of June 21."

17 Skipping now to page 6, second paragraph:

18 " It should be noted particularly that the
19 army and navy ministers remained in office, and that
20 the important post of Foreign Minister was occupied by
21 a representative of the navy, which was most concerned
22 with the American question, and hence had a signifi-
23 cant voice in the matter. The cabinet was given the
24 additional privilege of holding joint conferences with
25 the Supreme Command in the Imperial Palace, and

launched immediately upon the attainment of its
objectives, the solution of Japanese-American
problems."

4 Skipping the next paragraph, going to the
5 fourth paragraph:

6 "The previous cabinet in its last days had
7 drawn up with great pains a Japanese counter-proposal
8 to the American proposal of June 21, and on July 25
9 had dispatched it by cable. In spite of this, the
10 Embassy at Washington had not yet presented it to
11 the Americans, first because of the change in cabinets;
12 second, because of fear that its contents might not
13 be acceptable to the Americans. This was made clear
14 in a cable from Ambassador NOMURA on July 22. In
15 addition to all that, Ambassador NOMURA on July 23
16 requested that he be informed of the new cabinet's
17 policy toward America."

18 I go now to exhibit 2913, last paragraph on
19 page 1:

20 "Surely enough, at the very beginning
21 there were the following opening remarks by the
22 Minister of the Navy: 'We have now indeed come to the
23 crossroads where we must determine either upon peace
24 or war. I should like to leave this decision entirely
25 up to the Premier, and, if we are to seek peace, we

1 shall go all the way for peace. Thus, even if we
2 make a few concessions, we ought to proceed all the
3 way with the policy of bringing the negotiations to
4 fruition. If in the midst of negotiations -- after
5 negotiations have gone on for two or three months,
6 one says that "they won't do from any point of view,"
7 and "well, we've got to have war now," -- the navy
8 will be put to inconvenience. If we are to have war,
9 we must determine upon war here and now. Now is the
10 time. We are now at the final moment of decision.
11 If we decide that we are not to have war, I should
12 like to have us proceed upon the policy that we will
13 bring negotiations to fruition no matter what happens.
14 To this I said, 'If we were to say that we must de-
15 termine on war or peace here, today, I myself would
16 decide on continuing the negotiations.'"

17 That concludes the excerpts.

18 I now call to the stand the accused OKA,
19 Takazumi.

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1 T A K A Z U M I O K A, an accused, being first
2 duly sworn, testified through Japanese inter-
3 preters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Are you the accused OKA, Takazumi?

7 A Yes, I am OKA, Takazumi.

8 MR. ROBERTS: May the defendant be shown
9 defense document No. 2828?

10 (Whereupon, a document was handed
11 to the witness.)

12 Q Please examine this document and tell us
13 whether or not it is your sworn affidavit.

14 A This is my affidavit.

15 Q Are the contents therein true and correct?

16 A They are true and correct.

17 MR. ROBERTS: I offer in evidence defense
18 document No. 2828.

19 ACTING PRESIDENT: The document will be
20 admitted.

21 CLERK OF THE COURT: Defense document No.
22 2828 will receive exhibit No. 3473.

23 (Whereupon, the document above
24 referred to was marked defense exhibit No.
25 3473 and received in evidence.)

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MR. ROBERTS: I read exhibit 3473, omitting the formal parts:

3 "1. I was born on 11 February 1890, and
4 entered upon my naval career when I was admitted to
5 the Naval Academy in 1908. From this date until 1923
6 I spent most of my time studying as a student in
7 various naval schools such as the Naval Torpedo
8 School (junior course), Naval Gunnery School (junior
9 course), Naval College (class B student), Naval
10 Torpedo School (advance course), Naval College (class A
11 student); in addition to acting as a member stationed
12 in France for the research of military affairs, and
13 an instructor in the Naval Torpedo School, the Naval
14 Submarine School, and the Naval College.

15 "2. I was decorated in November 1915 for
16 merit in the German-Japanese War, in November 1920
17 for merit in the European War, in April 1934 for
18 merit in the Manchurian Incident, and in May 1942 for
19 merit in the China Incident, respectively. These
20 awards were the same as those made to many thousands
21 of navy men and were of a nature intended only for
22 pure soldiers. In addition, the awards made to me
23 were all below the order made to the most meritorious.
24 Accordingly, the fact that I was decorated is no
25 indication of my participation in the common conspirac

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1 etc., as contended by the prosecution (record, page
2 16,968).

3 "The fact that many thousands of naval men
4 received the same awards should be sufficient to
5 destroy this contention, unless all such recipients
6 are also indicted and placed on trial as aggressors
7 and conspirators.

8 "3. At the time the Manchurian Incident
9 broke out in September 1931, I was Navy Commander and
10 a member of Section Two, Division One of the Naval
11 General Staff. This section was concerned only with
12 armaments, and had no connection with military opera-
13 tions. Therefore, it did not participate in the Man-
14 churian Affair.

15 "4. In October of the same year I was
16 assigned for duty in the Naval General Staff and
17 concurrently in the Navy Ministry, and was transferred
18 to the Investigation Section of the Navy Ministry
19 which was temporarily organized. From October 1932
20 to April 1934 I was stationed in Paris and Geneva as
21 a member of the Japanese Navy delegation on the League
22 of Nations Permanent Military Commission and as a
23 member of the general Disarmament Commission of the
24 Japanese delegation. During that period I was pro-
25 moted to captain. Upon my return to Japan I again

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1 served in the Temporary Investigation Section of the
2 Navy Ministry. In December 1936, I was appointed
3 Commander of the Warship 'Jingei' attached to the
4 Second Fleet and served on coastal patrol duty in
5 Japan.

6 "5. On December 1, 1937 I was assigned for
7 duty in the Naval General Staff and concurrently in
8 the Navy Ministry. During the foregoing period I was
9 not connected with any of the current problems in
10 the course of my duties. Therefore, with respect to
11 the Manchurian Incident, conclusion of the Anti-
12 Comintern Pact and the outbreak of the China Incident,
13 I did not participate and knew nothing directly in
14 connection with the navy's attitude concerning these
15 matters at that time.

16 "6. From January 15, 1938 to October 14,
17 1939 I served as Chief of Section One, Naval Affairs
18 Bureau, Navy Ministry. When I assumed this position
19 six months had elapsed since the outbreak of the China
20 Incident and it was after the fall of Nanking. During
21 this time my appointment as secretary to the Manchurian
22 Affairs Board was a routine appointment which was
23 merely nominal, and was coexistent with my tenure in
24 that office from January 1938 to November 1939; also
25 I do not recall attending any meetings of the board.

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1 Secretaries to the Manchurian Affairs Board and also
2 the councilors to the same office were automatically
3 appointed from the navy, and I, in view of my duties
4 in the navy, was appointed to those positions, but
5 primarily the navy had little to do with the Man-
6 churian Affair and consequently I did not do any
7 actual work concerning it.

8 "7. The National General Mobilization Law
9 was enacted in early April 1939. Its enactment was
10 brought about in view of the situation within the
11 country which called for the production of war
12 materials and supplies in conformity with the gradual
13 expansion of the China Incident and the increasing
14 scale of operations. The operation of the National
15 General Mobilization Law was in the hands of the
16 Planning Board and it was only in case of some matter
17 of interest to the navy that a reference would be made
18 to the proper section, being Section Two, Naval Affairs
19 Bureau, at that time and I, as Chief of Section One,
20 was not connected in any way. For my part I never
21 thought or heard that the General Mobilization Law
22 was set up in preparing for a war of aggression.

23 "8. The Cabinet Information Board with which
24 I was connected during the period that I was Chief of
25 Section One was different and on a very small scale

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as compared with the Information Board which existed
1 at the time of the surrender, and was utilized only
2 for the exchange of information among the section
3 chiefs from each ministry who had gathered once a
4 week during lunch hour. No discussions were held
5 touching upon the strengthening of the Anti-Comintern
6 Pact or international questions, nor was the gathering
7 in a position to discuss these matters. I do not
8 believe that the chief of the Information Board was
9 permitted to participate in a discussion of these
10 problems.
11

"9. I became Chief of the Third Division
12 in the Naval General Staff on October 15, 1939, was
13 promoted to Rear Admiral on December 1, 1939, and
14 held the post until October 15, 1940. The Third
15 Division, Naval General Staff, had charge of gathering
16 and investigating military intelligence and was
17 not connected either with question of operations or
18 disposition of current problems. Therefore, I did
19 not participate in the Japanese-Netherlands East
20 Indies Negotiations, the Japan-French Indo-China
21 protocol, the advance of Japanese troops into North
22 French Indo-China, or the Tri-Partite Pact between
23 Japan, Germany and Italy which arose during this
24 period.
25

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"10. I became Director of the Naval Affairs
1 Bureau on October 15, 1940, and served in this capacity
2 until July 18, 1944. (Document 0001, page 333 is in
3 error. Exhibit No. 120 has last page missing. Cor-
4 rection on this date as well in exhibit No. 102.)
5 That I served as Director of General Affairs Bureau
6 concurrently as charged in the personal history sec-
7 tion of the Indictment, is also a mistake as there is
8 no General Affairs Bureau in the Navy Ministry. In
9 December 1, 1942, I became a Vice-Admiral.
10

"11. On July 18, 1944 I was appointed
11 Navy Vice-Minister and served until August 5, 1944.
12 On September 9, 1944 I was appointed Commander of the
13 Chinkai Naval Station and retired on June 23, 1945.
14

"15. As set forth in the government organiza-
16 tion regulations the Naval Affairs Bureau, like other
17 bureaus in the Navy Ministry, receives instructions
18 and orders from the Navy Minister and performs its
19 routine functions under the supervision of the Navy
20 Vice-Minister. The Director of the Naval Affairs
21 Bureau, like other directors, assumes responsibility in
22 his official duties to the Navy Minister and to nobody
23 else. (Exhibit No. 75 and exhibit No. 2980, par. 3 and
24 4.)
25

"With reference to matters pertaining to the

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1 decision of the Navy Minister, the director and
2 chief of a bureau merely performs the routine pro-
3 cedure and they are consistently regarded as being
4 nothing more than organs in the nature of aides to
5 the Navy Minister. Thus from the point of view of
6 duties they can be considered as being physically
7 part and parcel of the Minister. Therefore, the
8 Director of Naval Affairs Bureau was never in a
9 position to assume any independent responsibility
10 vis-a-vis outside contacts.

11 "13. I assumed the post of Director of
12 Naval Affairs Bureau after the Tri-Partite Pact
13 between Japan, Germany and Italy had been signed.
14 The China Incident had expanded considerably, the
15 relations with the United States and Britain had
16 become strained, Japan was embarrassed by the economic
17 pressure, and it was a time when something should
18 have been done to cope with the situation through
19 diplomatic channels.

20 "I was informed that Foreign Minister
21 MATSUOKA had planned to turn relation with the
22 United States to the good on the basis of the three-
23 power alliance, but with the lapse of time, MATSUOKA's
24 diplomacy took the opposite turn and the relations
25 with the United States became in an inverse

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19 diplomatic channels.

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21 MATSUOKA had planned to turn relation with the
22 United States to the good on the basis of the three-
23 power alliance, but with the lapse of time, MATSUOKA's
24 diplomacy took the opposite turn and the relations
25 with the United States became in an inverse

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proportion to the Japanese-German rapprochement.

1 Also because the American-Japanese negotiations, which
2 started in the spring of 1941, did not progress
3 satisfactorily Foreign Minister MATSUOKA was forced
4 to resign. The Third KONOYE Cabinet was formed, and
5 Premier KONOYE poured forth his full strength in the
6 American-Japanese negotiations, and to that end
7 Admiral TOYODA was especially chosen as Foreign
8 Minister.

9
10 "At that time Navy Minister OIKAWA held
11 high hopes that the American-Japanese negotiations
12 would be concluded and exerted everything in his
13 power to that end. As Director of the Naval Affairs
14 Bureau, I had charge of the routine handling of this
15 matter in the Navy Ministry and exerted my best
16 efforts towards the successful conclusion thereof.

17 "14. The outbreak of the second European
18 War, American-British aid to China, American-British
19 pressure on Japan, Tri-Partite Pact between Japan,
20 Germany and Italy, and Foreign Minister MATSUOKA's
21 diplomatic policy vis-a-vis the United States,
22 involved many delicate problems within the country
23 with respect to the negotiations with the United
24 States. General public opinion, and that within the
25 government as well as in the Supreme Command was high,

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1 and therefore fear existed that if a misstep was
2 made, a great disturbance would have been created in
3 Japan.

4 "But as for the Navy Ministry, it was most
5 vital that a compromise in the negotiations should be
6 reached during this period, so it constantly cooperated
7 with Premier KONOYE, who entertained an ardent hope
8 in finding a way to resume American-Japanese relations.
9 Thus, upon the appointment of Admiral NOMURA as
10 Ambassador, and of Admiral TOYODA as Foreign Minister
11 as being the most appropriate persons to readjust
12 the American-Japanese relations, Navy Minister
13 OIKAWA did everything in his power to support them.
14 I know that Navy Minister OIKAWA urged Premier KONOYE
15 to use his political judgment in arriving at a decision
16 in the American-Japanese negotiations and the navy
17 always gave its wholehearted support.

18 "15. With respect to the domestic procedure
19 in the negotiations, first of all the Foreign Office
20 drafted the plan of such negotiations. Upon the
21 basis of the plan prepared by the Foreign Office it
22 was deliberated upon by the various quarters con-
23 cerned, including the Supreme Command, and a unanimous
24 decision reached, and then it would be telegraphed
25 to the Ambassador. This was the customary procedure,

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19 in the negotiations, first of all the Foreign Office
20 drafted the plan of such negotiations. Upon the
21 basis of the plan prepared by the Foreign Office it
22 was deliberated upon by the various quarters con-
23 cerned, including the Supreme Command, and a unanimous
24 decision reached, and then it would be telegraphed
25 to the Ambassador. This was the customary procedure,

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1 but because of the general situation within the
2 country it was very difficult to formulate a drastic
3 plan. It was not within the province of my department
4 as suggested by the prosecution in referring to
5 exhibit 1115. (Record, page 16,970.) This con-
6 struction of said exhibit has also been denied by
7 the defendant KIDO. (Record, page 31,238.) This is
8 borne out by exhibit 1207A, which is an extract from
9 the interrogation of Shigenori TOGO, then Foreign
10 Minister. This extract is with reference to a note
11 written by the Foreign Office of the Japanese Govern-
12 ment concerning negotiations with the United States
13 in which appear the following statements:

14 "!The note itself was written by the
15 Foreign Office, but the responsibility for the com-
16 position rests with the participating members of the
17 liaison conferences. . .!"

18 "In the same document is the additional
19 statement:

20 "!As I have said at a previous meeting,
21 members of a liaison conference who were responsible
22 for the study and discussions on the matter were
23 TOGO, SHIMADA, SUGIYAMA, NAGANO, TSUKADA, ITO, KAYA,
24 SUZUKI, and the three secretaries -- HOSHINO, MUTO,
25 and OKA. As to the member of the cabinet, under the

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1 constitution they were responsible for decisions
2 of the cabinet even on matters outside of their
3 respective offices. . . !

4 "The same testimony is contained in the
5 testimony of YAMAMOTO, Kumaichi, on page 25,901 of
6 the record. (Exhibit 2915.)

7 "The idea that a director of a bureau could
8 possibly be responsible for drafting the complete
9 formula for the government is preposterous on its
10 face. It is this erroneous conception of the power
11 and magnitude of my office which has led the prosecu-
12 tion to build a fallacious understanding of my real
13 duties and to present an erroneous picture of my
14 actions.

15 "16. At this juncture, around August 1941,
16 as I recall, Premier KONOYE announced his intention
17 of personally conferring with President Roosevelt in
18 order to find a way for a compromise at a single
19 stroke.

20 "Because the American-Japanese negotiations
21 made no headway, I presumed that he (KONOYE) keenly
22 felt that no opportunity should be lost as it was
23 realized that this was the most appropriate way to
24 bring about a successful conclusion of the negotia-
25 tions.

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1 "17. At that time the navy had confidence
2 in KONOYE and believed that if the Prime Minister were
3 clothed with full power and given wide discretion a
4 drastic proposal could be formulated, and thus pave
5 the way for concluding these negotiations. It pinned
6 its hopes on such a course. I was ordered by the
7 Navy Minister to secretly have a merchant ship stand
8 by, and made preparations for it to sail at any time.
9 However, the contemplated interview did not materialize
10 despite the fact that the United States had designated
11 the place of the conference, because it seemed that
12 it first desired to fix the basic principles, after
13 which to put the finishing touch at the conference,
14 which idea was contrary to Premier KONOYE's intention
15 of determining all vital issues at the conference.
16

17 "18. The navy then took the view that with
18 reference to the American-Japanese negotiations the
19 wholesale withdrawal of troops from China and elsewhere
20 would not be prejudicial. I understand that Admiral
21 YAMAMOTO, Commander-in-Chief of the Combined Fleet,
22 also made this suggestion to Premier KONOYE, and Navy
23 Minister OIKAWA frequently urged the Premier to take
24 such decisive action.

25 "It seemed that there existed strong opposition
within a quarter of the Supreme Command of the Army

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1 at that time to such a move. The general situation
2 was such that utmost caution was required so as not
3 to bring about disunity between the army and navy.
4 Therefore, it was dealt with as a political issue
5 among the ministers. I believe that was one of the
6 reasons why the Navy Minister maintained the position
7 that it should be entrusted to the Premier.

8 "19. The position of the navy in opposing
9 war has at all times been well defined. As late as
10 the Third KONOYE Cabinet it remained adamant in its
11 position that war should be avoided if at all possible.
12 Reference is made to page 10,254 of the transcript of
13 evidence for November 12, 1946, wherein the then Navy
14 Minister OIKAWA made plain the navy's position. This
15 particular part of the evidence is a quotation from
16 the memoirs of the then Prime Minister KONOYE who
17 states that OIKAWA made the following statements which
18 are here quoted and are extracts from the transcript
19 of evidence.

20 "Let us leave the decision as to whether
21 there is any hope for a successful conclusion of the
22 diplomatic negotiations in the hands of the Prime
23 Minister and the Foreign Minister, and as for the
24 navy, she will comply with that decision. . .

25 "If there is any hope for a successful

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1 conclusion of the diplomatic negotiations we want the
2 negotiations to be continued. . .

3 "That is if we are to rely on diplomatic
4 negotiations we would like it to be carried out
5 thoroughly. . . We want to make it a success at all
6 costs . . . We want the decision of the Prime
7 Minister . . . We want to comply with this decision."

8 "Continuing with his statement the then Prime
9 Minister KONOYE made an additional remark which appears
10 of record at page 10,263 of the transcript of the
11 evidence and which is here quoted.

12 "In the meantime it became gradually known
13 . . . that since the navy herself had not the will to
14 fight, but couldn't say so herself, she was appealing
15 to the Premier through Bureau Chief OKA by the way of
16 Chief Secretary TOMITA for the Premier to express
17 it . . .

18 "As an outcome of it, Chief MUTO of the
19 Military Affairs Bureau called on Chief Secretary
20 TOMITA and reportedly requested that the navy be
21 asked to make a definite statement at this time. Hence,
22 when Chief Secretary TOMITA relayed this to Chief OKA
23 of the Navy Affairs Bureau, Bureau Chief OKA reportedly
24 stated that the navy, as usual, cannot say it and that
25 she can say no more than that she will comply with the

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24 stated that the navy, as usual, cannot say it and that
25 she can say no more than that she will comply with the

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decision of the Premier . . .'

"Although the statements above quoted are not exactly correct they are cited here to prove that at the time when the negotiations referred to were being carried on between the Prime Minister and the Navy Minister, it is clear from the evidence that my participation in the foregoing negotiations were my official acts as liaison officer and I was merely delivering messages of higher officials.

"20. The Navy Minister stated that the resignation of Premier KONOYE would bring about hopelessness in the conclusion of the American-Japanese negotiations so he desired that he should assume a tenacious attitude. The Premier also entertained a strong determination. In the early part of October 1941, I heard from Chief Secretary of the Cabinet TOMITA that Premier KONOYE was firmly determined to attempt to continue the negotiations, and under no circumstances would he personally resign, so I was very much encouraged, but about the middle of October the en bloc resignation of the cabinet suddenly took place.

"21. I was informed by the Navy Minister that after the cabinet meeting held on the morning of October 14, it was proposed to hold a conference

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"21. I was informed by the Navy Minister that after the cabinet meeting held on the morning of October 14, it was proposed to hold a conference

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1 of four ministers, namely, Premier, Foreign, War, and
2 Navy, in the afternoon. During the said cabinet
3 meeting there was a heated argument between the War
4 Minister and the Foreign Minister, and as a result
5 of this incident, it was felt that no useful purpose
6 could be served by holding the proposed meeting of
7 the four ministers later in the day, and in fact
8 such meeting was never held. The Navy Minister also
9 advised me that it was intended that at the contem-
10 plated conference of the four ministers, he (the Navy
11 Minister) would reiterate the navy's stand expressed
12 to Prince KONOYE at his residence in OGIKUBO that
13 the 'Navy will leave the matter as to whether it could
14 wage war against the United States or not' in the
15 hands of the Prime Minister."

16 ACTING PRESIDENT: We will adjourn until
17
18 1:30.

19 (Whereupon, at 1200, a recess
20 was taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

7 ACTING PRESIDENT: Before you start reading,
8 Mr. Roberts, have you come to any agreement yet with
9 the prosecution as to whether they want to serve
10 interrogatories on commission in the ISHII case?

11 MR. ROBERTS: That was Mr. Cole.

12 ACTING PRESIDENT: I am sorry; that was Mr.
13 Cole.

14 We expect you will finish this afternoon in
15 the OKA case.

16 MR. ROBERTS: As far as the direct examination
17 is concerned, we expect to finish. The rest is up to
18 the prosecution.

19 ACTING PRESIDENT: I wish the prosecution
20 will tell whoever is in charge of the commission of
21 Baron SHIDEHARA that immediately following the close
22 of the OKA case we will take up the report of the
23 commission -- and the defense attorneys, too.

You may proceed with the reading.

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1 T A K A Z U M I O K A, an accused, resumed the
2 stand and testified through Japanese inter-
3 preters as follows:

4 MR. ROBERTS: We continue on page 15:
5 "That night TOMITA, Chief Secretary of the
6 Cabinet, called on me and informed me of the decision
7 that the Cabinet would resign en bloc. TOMITA told
8 me that he was asked by the Director of Military
9 Affairs Bureau to inquire of the Navy that if the
10 Navy would state that it would be unable to fight
11 then the Army could be quieted. TOMITA told me that
12 he replied to the Director of Military Affairs Bureau
13 that it would be difficult for the Navy to state as
14 to such a matter and I agreed with him. Then I asked
15 TOMITA about my opinion to hold the Four Ministers'
16 Conference to confer with each other on this matter,
17 to which he replied that it was too late in view of
18 the impossible situation brought about at the cabinet
19 meeting in the morning.

20 "22. Thus the Navy became seriously appre-
21 hensive over the prospect of the negotiations, and
22 assumed great concern over the next cabinet. After
23 the resignation of the cabinet, Navy Minister OIKAWA
24 had heard from Prince KONOYE that Prince HIGASHIKUNI
25 would head the next cabinet, so we were wondering what

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1 T A K A Z U M I O K A, an accused, resumed the
2 stand and testified through Japanese inter-
3 preters as follows:

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7 Cabinet, called on me and informed me of the decision
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24 the resignation of the cabinet, Navy Minister OIKAWA
25 had heard from Prince KONOYE that Prince HIGASHIKUNI
would head the next cabinet, so we were wondering what

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1 the Prince's idea would be in connection with the
2 American-Japanese negotiations. Then suddenly a
3 report reached us that War Minister TOJO was commanded
4 to form a new cabinet. This was really surprise news
5 to the Navy, and the Navy Minister and the rest of
6 us were taken aback.

7 "I felt that for the War Minister to become
8 the Prime Minister at such a time would make the
9 prospect of the American-Japanese negotiations all
10 the more difficult. I found it hard to understand
11 what was in the minds of the senior statesmen, who
12 were advisors to the Throne, or wherein their attention
13 lay with respect to these negotiations. Immediately
14 thereafter I discussed the foregoing with former
15 Chief Secretary of Cabinet TOMITA, who said that
16 according to Prince KONOYE the step taken would be
17 the best policy in coping with the American-Japanese
18 relations. When I heard this, I felt the position
19 was inconsistent, and was hard put to understand it.
20

21 "23. Since War Minister TOJO was ordered
22 to form a cabinet, it became necessary for the Navy
23 to exert its efforts all the more thereafter towards
24 the American-Japanese negotiations. For this purpose
25 I thought that it would be best for Admiral OIKAWA, who
was conversant with the past development in the

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1 negotiations, to remain in the new cabinet. While
2 I had hoped for this, he refused to remain and
3 Admiral SHIMADA was appointed the new Navy Minister
4 to tackle the current difficulties.

5 "24. When Admiral SHIMADA became the new
6 Navy Minister, there was no change in enthusiasm with
7 respect to the negotiations. As one of the conditions
8 for accepting the portfolio of Navy Minister, Admiral
9 SHIMADA urged upon Premier TOJO that the American-
10 Japanese negotiations should be expedited. Also
11 immediately upon assumption of his post he instructed
12 the Vice-Minister and directors of the bureaus that
13 utmost effort should be made to avoid war with the
14 United States, and that the way should be paved to
15 consummate the Japanese-American negotiations by
16 overcoming all difficulties.

17 "25. In view of the foregoing it is clear
18 that the Navy did not want or desire war, and that
19 it was their desire to bring the negotiations to
20 avert war to a successful conclusion. Thus no
21 logical conclusion can be drawn from the evidence
22 which would support the charges against me that I
23 aided, abetted, assisted, participated or otherwise
24 engaged in any common plan or conspiracy to wage
25 aggressive war, or a war of any kind. On the contrary

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I and my superior officers diligently endeavored to
1 avert war.

2 "At this point it might be helpful to point
3 out to the Tribunal the extent of my association
4 with my alleged fellow conspirators prior to the
5 date of the Indictment. I never met and consequently
6 never spoke to the defendants KIDO, ARAKI, DOIHARA,
7 HATA, KOISO, MATSUI, MINAMI, OSHIMA, UMEZU, OKAWA,
8 SHIRATORI and HIROTA.

9
10 "26. Japan's final reply to the United
11 States' note was drafted by the Foreign Office and
12 was delivered to me by Mr. YAMAMOTO of the Foreign
13 Office. As was customary, I ordered my subordinates
14 to study the draft. As a result thereof I sensed
15 that it was inadequate as a final note, and felt that
16 it would be appropriate to insert the wording that we
17 reserve the right to freedom of action. Accordingly,
18 this wording was inserted in the draft and related
19 to Mr. YAMAMOTO. However, when the draft of the final
20 note was distributed by the Foreign Office at the
21 liaison conference in early December (I do not remember
22 the date) I discovered that the suggested revision
23 was not made. After the conference I asked Mr. YAMAMOTO
24 whether that could be regarded as the final note, to
25 which he replied in the affirmative, and we parted.

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1 "At that time I was of the opinion that
2 the problem of diplomatic procedure should naturally
3 be carried out upon the responsibility of the Foreign
4 Office, and because I personally lacked any knowledge
5 of the correct diplomatic procedure I therefore
6 relied upon the Foreign Office authorities.

7 "The Navy Ministry was not involved in the
8 problem concerning the dispatch of the final note to
9 an enemy country prior to the outbreak of war. To
10 my knowledge neither the discussions were had with
11 the Navy Minister or the Vice-Navy Minister nor was
12 our Ministry asked by the Naval General Staff per-
13 taining to such a problem, and I assumed that the
14 Foreign Office would adopt the appropriate necessary
15 procedure. Such being the situation at that time,
16 I did not give it much thought. I was vague as to the
17 exact nature of Japan's reply and believed it to be
18 the so-called 'ultimatum', and in all probability the
19 Navy Minister and the Navy Vice-Minister thought
20 likewise.

21 "However, after the war this matter became
22 an issue, and when I asked Mr. TOGO, the then Foreign
23 Minister, at Sugamo Prison with respect to this question
24 I was told that Japan's reply to the United States
25 was not the so-called 'ultimatum', but 'last notification'

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23 Minister, at Sugamo Prison with respect to this question
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33,402

1 Mr. TOGO explained that according to the then
2 circumstances it had the same significance as a
3 declaration of war. When I heard this explanation
4 I understood for the first time what Mr. YAMAMOTO
5 meant when he said that the draft was all right.

6 "With regard to the time in which the final
7 note should be delivered to the United States, I
8 recall that, at the liaison conference, Premier TOJO
9 stated that it would be entrusted to the consultation
10 between the Foreign Office and the Supreme Command.

11 Later I heard that it would be delivered to the
12 American Government in Washington one hour before the
13 opening of hostilities. I do not remember the date,
14 from whom, or where I heard this information, except
15 the strong impression remaining in my mind that it
16 was to be delivered one hour prior to the opening of
17 hostilities. However I was not aware that the time
18 was changed to 30 minutes, but I learned for the first
19 time after the war that Mr. ITO, the then Deputy Chief
20 of the Naval General Staff, and the Deputy Chief of
21 the Army Staff called on the Foreign Minister, and
22 after consultation with the Foreign Minister the time
23 was altered to 30 minutes prior to the opening of
24 hostilities.

25 "At that time I had not heard from any source

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whatsoever that the Naval General Staff entertained
1 any idea that it would commence hostilities without
2 notice. Inasmuch as I thought the Foreign Office
3 would take the proper procedure I did not anticipate
4 that any such question would arise, and therefore
5 I entertained no concern over its progress. It was
6 long afterwards when I learned that apparently
7 through the fault of the Japanese Embassy in Washington,
8 the note to the United States was not delivered at
9 the expected hour, and I was very much surprised.
10

"27. The personnel affairs of the naval
11 officers were in the hands of the Navy Minister. The
12 basis of the shore service of naval officers was
13 usually two years for the same service and place. At
14 the time the TOJO Cabinet was formed both the Vice-
15 Minister of Navy and the Director of the Naval
16 Affairs Bureau had served for approximately one
17 year and it did not come within the time for making
18 a shift. It was customary for the Navy not to make
19 any shift in the Vice-Navy Minister, much less the
20 Director of Naval Affairs Bureau, even if the Navy
21 Minister was changed. Therefore, the change in Premier
22 could not affect the personnel below that of the
23 Vice-Minister, and there was absolutely no precedent
24 for such changes. Even though a cabinet other than
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20 Director of Naval Affairs Bureau, even if the Navy
21 Minister was changed. Therefore, the change in Premier
22 could not affect the personnel below that of the
23 Vice-Minister, and there was absolutely no precedent
24 for such changes. Even though a cabinet other than
25

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1 the TOJO Cabinet had appeared or a person other
2 than Admiral SHIMADA had become the Navy Minister
3 at that time, such an appointment would not have
4 altered the personnel below the rank of Vice-Minister
5 at all. Thus, the prosecution's premise that my
6 remaining in office is proof of my participation in
7 the conspiracy is once again an erroneous conception
8 and falls of its own weight. As a matter of fact I
9 offered my resignation to Admiral OIKAWA, but he
10 refused to accept it.

11 "28. During my service in the Navy I have
12 not once been assigned for duty in connection with
13 operations. I have been assigned for duty in connection
14 with routine planning of an armaments program several
15 times, and have been one of the naval officers connected
16 with it for many years. Due to lack of material I
17 cannot testify by presenting figures, but I shall
18 testify with respect to the planning policy as I am
19 able to recall from my personal experiences arising
20 out of my duties.

21 "29. In Japan the national defense plan is
22 drafted by the Supreme Command of the Army and Navy.
23 After Imperial approval is obtained, it is submitted
24 to the Prime Minister for his confidential reading.
25 Its contents is not a war program, but the principal

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objective is the planning of an armament program.

1 As for the Navy, its principal objective is the
2 planning of a minimum force which would enable it to
3 cope with the strongest naval power which might
4 attack Japan from the western Pacific area. As
5 far as I know this objective was the policy of the
6 naval supreme command which had been conceived prior
7 to the Washington Conference without any alteration
8 until immediately preceding the Pacific War. It
9 would be more accurate to regard it in the defensive
10 sense rather than the aggressive sense.

12 "30 The Naval General Staff studies the
13 armaments which are necessary after taking into
14 consideration various domestic conditions; goes into
15 details and plans for the classification, types and
16 number of warships, land and water facilities, principal
17 war materials, and personnel; then drafts the proposal
18 and makes a request upon the Navy Ministry about every
19 four or five years. The Navy Ministry makes an in-
20 vestigation and considers the expenditure, materials,
21 technical aspect, industrial power and personnel
22 connected therewith. It consults and negotiates
23 with the Naval General Staff and prepares a joint
24 plan with the Naval General Staff. This plan is
25 discussed with the parties concerned in the Government

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1 and when unanimously agreed upon among the three
2 quarters it will be put into operation. The plan
3 finally agreed upon is usually one-half or less
4 than that requested by the General Staff. Therefore
5 the actual strength of Japan's Navy is generally far
6 below that requested by the Naval General Staff.

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"While I am unable to indicate by figures,
1 the result of Japan's construction after the Wash-
2 ington Conference was very insignificant as com-
3 pared with that of the American Navy. There was no
4 way of coping against the 1st, 2nd, 3rd Vinson Plan
5 and the Stark Plan. When we came to this point,
6 the Operational authorities became all the more
7 negative, and the situation was such that they went
8 to the great trouble of counteracting the American
9 plan by utilizing the limited number of big battle-
10 ships or devising midget submarines. There was
11 considerable deficiency in the production of air-
12 craft, domestic materials and industrial capacity.
13

"Also the long drawn out China Incident
14 gave further pangs to naval preparation. It was
15 evident that under such circumstances, when we
16 keenly felt the deficiency in military and national
17 strength in a defensive war against the United
18 States alone, we could not possibly think about
19 operating against the American and British Navies.
20 The annual operational plan, which is prepared by
21 the Navy General Staff, or the annual plan prepared
22 by the Naval General Staff, which is put into effect
23 as the maneuvers by the combined fleet, were not
24 formulated as operations against the United States
25

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1 and Britain. I have never seen or heard of any plan
2 or idea to wage such a war, and I am convinced that
3 they were not formulated as such.

4 "Such being the state of affairs, it was
5 natural for the Navy to have been constantly
6 apprehensive of relations with the United States
7 and Britain becoming aggravated, and the Navy
8 desired its adjustment by exerting itself to that
9 end from the outset.

10 "31. However, while the Japanese Navy was
11 being worried by the series of American naval ex-
12 pansion programs, the China Incident extended with
13 no prospects of its termination, American-British
14 aid to China became vigorous and economic pressure
15 on Japan became intense, placing her in a very
16 embarrassing position and finally making her feel
17 the threat militarily. It was believed that if these
18 matters were allowed to follow their course the
19 China Incident could never be settled, and we would
20 face a serious critical situation by being attacked
21 by a third power at any time. The Navy believed
22 that there was no other way than the successful con-
23 clusion of the American-Japanese negotiations and,
24 accordingly, made efforts to that end. The Naval
25 General Staff which was responsible for the national

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1 defense, in light of such a situation, had to
2 study how to act in case it might become necessary
3 to wage war against the United States and Britain,
4 and it was natural for it to make plans against
5 such an eventuality. I believe such a survey might
6 have been gradually accelerated under the pressing
7 circumstances.

8 "I am unable to state exactly when the
9 foregoing studies started and what development took
10 place because I did not personally participate in
11 them, but it seems to me that nothing was done within
12 the Naval General Staff during 1940. About the first
13 or middle part of October, 1941, I heard for the
14 first time what purported to be the view of the
15 Naval General Staff in piecemeal from ITO, Deputy
16 Chief of the Naval General Staff, to be as follows:
17

18 "In the event of war against the United
19 States and Britain, the Naval General Staff had con-
20 fidence in the early stage of the operations, and
21 there was a possibility of continuing the war for
22 about a year and a half thereafter, but that it
23 could not make a definite statement after that as it
24 would depend upon what the total war capacity of the
25 nation would be. Therefore, if war could not be
avoided, the sooner the better, and if it should be

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1 next year, we should be challenged by the United
2 States and Britain, and we would have to make a
3 blanket submission without exchanging blows.'

4 "When I heard the foregoing observations
5 at that time, I keenly felt the need of accelerating
6 the American-Japanese negotiations. Conditions
7 being as stated above, it was not the ideology or
8 plan of operations of the Japanese Navy to wage war
9 against the United States and Britain. It arose out
10 of the China Incident when the country was faced with
11 a critical situation and stood between the failure or
12 existence of the State. Then for the first time,
13 the matter was studied as a last resort and was not
14 a plan of long preparation, which could be clearly
15 gathered from the history of the Navy's armed
16 preparation.

17 "32. The prosecution has argued that during
18 the closing days of the TOJO Cabinet in July, 1944,
19 SATO (one of the accused) and I had been maneuvering
20 against YONAI and others to save the said Cabinet.
21 However, this must have been predicated on the lang-
22 uage of Admiral YONAI contained in KIDO's diary.

23 "This matter refers to the request which
24 Premier TOJO made to the Navy Minister to sound
25 Admiral YONAI, who was a naval officer, whether he

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20 against YONAI and others to save the said Cabinet.
21 However, this must have been predicated on the lang-
22 uage of Admiral YONAI contained in KIDO's diary.

23 "This matter refers to the request which
24 Premier TOJO made to the Navy Minister to sound
25 Admiral YONAI, who was a naval officer, whether he

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would accept a portfolio in the cabinet. (This procedure is customary in such a case.) Since I was Vice Navy Minister at that time, I sounded Admiral YONAI after being ordered to do so by Admiral NOMURA, the Navy Minister, and SATO did not accompany me on that visit. Admiral YONAI's statement at that time was that he could not join as a cabinet member but he would be glad to assist the Navy Minister as a military councillor. He was also desirous of having Admiral SUETSUGU as military councillor to assist the Chief of Naval Staff. The matter was simply as stated above. I have never called on any one other than Admiral YONAI, and I have not upon my own accord without orders from the Navy Minister conducted myself otherwise. This fact has been corroborated by my superior at that time, Admiral NOMURA.

"33. While I was Director of the Naval Affairs Bureau, with the exception of three or four times due to illness, I attended the Imperial and Liaison Conferences as 'Kanji' or secretary, and the Investigation Committee of the Privy Council as 'Setsumei-In' or explainer. However, in none of these conferences or committee meetings was I authorized to participate in the discussions or

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exercise the right to vote.

1 "The Liaison Conference is not based on
2 government organization regulations, therefore it
3 is not a decision-fixing organization. It is
4 merely a liaison conference in the nature of a
5 round table discussion to circularize and exchange
6 opinions on problems which are common to the Head-
7 quarters and the Government. When a concurrence is
8 reached the Supreme Command and the Government will,
9 through their specific organs, carry out their
10 respective tasks.

12 "In my capacity as 'Kanji' or official
13 clerk of the conference, I was not a member of the
14 conference, therefore, I could not affix my signature
15 to any matters taken up at the conference. I could
16 only make explanations when asked to do so by a
17 member thereof and my primary duty was to supply
18 information when called upon to do so.

19 "Therefore, the secretary's position was
20 different from that of the members of the liaison
21 conference, and he was not at all responsible for
22 matters taken up at the conference. At the liaison
23 conference, it will be seen from exhibit 1103, that
24 I was never present without my superior in the person
25 of the Navy Minister. This same exhibit shows that I

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1 never attended without my superior, although it will
2 also disclose that I failed to attend some of the
3 meetings which were attended by the Navy Minister.
4 (Also exhibit 1107.)

5 "Reference is made to exhibit 1209, which
6 is an extract from an interrogation of Hideki TOJO
7 concerning a similar Imperial Conference held on
8 December 1st or 2nd, in which he gives the names of
9 certain persons who attended such conferences and
10 states concerning them:

11 " 'Those were the responsible people who
12 were there....' In continuing his statement, he
13 says:

14 " 'There were also probably three other
15 persons in the capacity of secretaries, for these
16 three usually came to the Imperial Conferences. The
17 three were the Chief Cabinet Secretary Naoki HOSHINO,
18 Chief of the Military Affairs Section of the War
19 Ministry, Mr. Sho MUTO, Chief of the Military Affairs
20 Section of the Navy Minister, Vice Admiral OKA....
21 I am not positive that they were there....' This
22 remark becomes significant in view of the fact that
23 only responsible persons who attended such confer-
24 ences could be recalled by Hideki TOJO, who was not
25 even certain that I was present but that I may have

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1 been because there were secretaries that usually
2 attended.

3 "34. The prosecution has also placed undue
4 significance on my attendance at the meetings of the
5 Investigation Committee of the Privy Council, but
6 I attended them only in the company of the Navy
7 Minister as 'explainer' for actually when the
8 Minister spoke, I accompanied him in order to sub-
9 mit materials which he needed. It will be evident
10 upon examination of the exhibits mentioned hereafter.
11 In any case, the 'explainer' did not express himself
12 nor participate in the decisions. These 'explainers'
13 merely accompanied these Ministers, and there were
14 many of them from the various Ministries, and they
15 played no important role whatever at those meetings.

16 (Exhibits Nos. 649, 1241, 1266, 1275, and 687.)

17 "17. The prosecution also stated, without
18 offering any proof, that I attended the cabinet
19 meetings, but I have never attended any cabinet
20 meetings, nor was I privileged to do so.

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1 "35. It is the practice for the Naval General
2 Staff to draw up and draft plans of operations, after
3 which only the outline is shown to the Navy Minister.

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"36. The Imperial Headquarters is divided
1 into two classes: Army section and navy section, and
2 the orders are also similarly divided. They are not
3 simply called Imperial Headquarters orders. The order
4 pertaining to the Burma-Thailand Railroad was the order
5 of the army section, Imperial Headquarters. From the
6 nature thereof the order was not connected with the
7 naval operations, so the Naval General Staff, which
8 was the navy section in the Imperial Headquarters,
9 must have been not aware of its contents. As for the
10 Navy Ministry, beginning with the Navy Minister,
11 nobody had participated in this matter and they were
12 absolutely not connected therewith. Consequently any
13 suggestion that the Naval Affairs Bureau was involved
14 in this incident is entirely unfounded. (See exhibit
15 475, page 8.)

"37. With reference to the Tripartite Alliance and the Anti-Comintern Pact, the prosecution has
17 alleged that as a member of the Military Affairs
18 Committee, I was connected with the strengthening
19 of the Tripartite Alliance and the Anti-Comintern Pact.
20 However, the meeting of the Military Affairs Committee
21 was not of vital importance. It is composed of about
22 15 members headed by the Foreign Minister, and included
23 Vice-Foreign Minister, Bureau Directors of Foreign

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1 Office, Directors of the Military Affairs Bureau of
2 the Army and Navy, Chiefs of the Second Section, Army
3 General Staff and of the Third Section Naval General
4 Staff. It was an extremely perfunctory gathering and
5 took a very ceremonious character wherein the attaches
6 from the German Embassy and Japanese Staff Officers
7 aforementioned would attend the luncheon, at which time
8 they would explain past events in the war. All told
9 there were only two gatherings. The explanation of the
10 war situation took the form of reading a written report.

11 "The committee with which I was associated as
12 indicated above had nothing to do whatever with the
13 triple alliance or the strengthening of the anti-
14 Comintern Pact.

15 "38. The various ministries of the government
16 are interrelated with each other with respect to matters
17 coming within their respective jurisdictions. Frequently,
18 there are matters which require collaboration with other
19 ministries. For this reason every ministry creates
20 committees on such matters as the need arises, and each
21 ministry appoints members to serve on such committees.
22 As for the Navy Ministry, it appoints committee mem-
23 bers depending upon the nature of the matters involved,
24 from among the appropriate bureaus.

"In such a case, as a rule, the Director or

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22 As for the Navy Ministry, it appoints committee mem-
23 bers depending upon the nature of the matters involved,
24 from among the appropriate bureaus.

25 "In such a case, as a rule, the Director or

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1 one of the Chiefs of the Section of the appropriate
2 Bureau is chosen to serve on such committees. But
3 actually most of these committees merely go to the ex-
4 tent of being a liaison, and as for its importance to
5 the navy, it is sufficient if the navy knows what
6 has taken place and where the conference was held.
7 Thus, in most cases, the man in charge of the matter
8 or the chief of the section would attend, and I, as Di-
9 rector of the Bureau, seldom attended. As a matter of
10 fact, I do not even recall being mentioned as a member
11 of many such committees, because they were too numer-
12 ous. Again when I was about to be appointed, in many
13 cases I accepted the appointment on condition that I
14 should not be required to attend any conferences.

15 " A similar situation prevailed with regard to
16 council meetings. At these meetings matters pertain-
17 ing to important state policy were never deliberated.
18 I was never present at these meetings.

19 "39. There was no special department in the
20 Navy Ministry for the handling of prisoners of war;
21 therefore, prisoners captured by the navy were turned
22 over to the army. Prisoners who were captured by the
23 naval units were all handled by agencies of the army
24 such as the War Prisoners Information Bureau and other
25 units connected with prisoners of war. However, in

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1 case it became impossible to immediately deliver to
2 the army the prisoners of war captured by a naval unit,
3 they were provisionally interned by the naval unit on
4 the field, or if it were in Japan, as a matter of con-
5 venience, by the naval station under the jurisdiction
6 of the commanding officer of said naval station. Of
7 course, further procedure was carried out under the
8 command of the superior commanding officer, and I
9 assumed the handling of the prisoners of war was con-
10 ducted according to the laws and regulations.

11 "40. The prosecution argued that I am respon-
12 sible for mistreatment of POW's, by quoting testimony
13 of SUZUKI, who stated that the note of protest respect-
14 ing the treatment of prisoners of war was dispatched
15 to the Navy Ministry. However, attention is called to
16 page 15,527 of the record wherein this witness admits
17 that the documents were sent to the Chief of the Prison-
18 ers of War Information Bureau and the Chief of the
19 Ministry Affairs Bureau and/or Vice-Minister of War.
20 The only document in evidence wherein a copy was sent
21 to the Naval Affairs Bureau is dated April 11, 1945,
22 which is about one year subsequent to my vacating
23 the post (exhibit 2174). One of the matters which
24 comes within the jurisdiction of the Naval Affairs
25 Bureau is the report under the regulations covering

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1 the names and rank of any prisoners held by any units,
2 and we would thus be able to furnish information thereon
3 to the Foreign Ministry. However, during my tenure in
4 office as Director of the Naval Affairs Bureau, I have
5 never heard, seen, or recall any note of protest.

6 "41. With reference to the alleged atrocities
7 of the naval units, as an officer in the Japanese Navy
8 I cannot but help feel sincere regret. In view of the
9 history and education of the Japanese Navy, it is in-
10 credible and I cannot understand how such acts ever
11 occurred. The naval units, whether on sea or ashore,
12 were attached entirely to the channel of the supreme
13 command. As for their operational movements, the Navy
14 Ministry had no knowledge whatsoever. Therefore it had
15 no knowledge concerning the orders of the commanding
16 officers or reports concerning troop movements. Thus
17 I had no knowledge concerning the foregoing incidents
18 while I occupied the post of Director of the Naval
19 Affairs Bureau, and I learned of it for the first time
20 when it was related before the Tribunal. Especially
21 is the fact that the commanding officer ordered these
22 atrocities beyond my comprehension. Similarly, at the
23 time I was Director of the Naval Affairs Bureau I had
24 never seen any telegram or correspondence pertaining
25 to the alleged request by Germany with respect to sub-

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1 marine warfare or consultation thereon, nor had I heard
2 anything relating thereto.

3 "42. "With reference to the killing of 96
4 POW's on Wake Island in 1943, I had no knowledge of it,
5 and in fact I again learned of it for the first time be-
6 fore this Tribunal. This incident also concerned the
7 combat unit on the spot, and the Navy Ministry was not
8 contacted or connected with it. It would be absurd to
9 hold the Director of the Naval Affairs Bureau respon-
10 sible, as he was in no position to issue orders to the
11 combat units.

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1 "43. The same can be said with reference to
2 the prisoners of war on Makin wherein the prosecution
3 quoted the testimony of Rear Admiral ABE in an attempt
4 to place the responsibility on the Central Command.
5 Again I have learned of this incident for the first time
6 in this Tribunal. The statement to the effect that oral
7 instructions came from the Central Command is incon-
8 ceivable. This is particularly so in the light of the
9 testimony given by the witness TOMIOKA in exhibit 3057.

10 "44. Next the prosecution attempted to fix
11 the responsibility for the sinking of merchant ships on
12 the Director of the Naval Affairs Bureau, but this, too,
13 is absurd. Needless to state, the Navy Ministry, much
14 less the Naval Affairs Bureau, does not participate in
15 matters pertaining to combat strategy, and therefore this
16 problem could not involve the Ministry. This is beside
17 the point but the prosecution has failed to produce any
18 evidence of a policy adopted by the Central Command to
19 wantonly kill survivors of sunken ships, or to mistreat
20 prisoners in any manner. Exhibit No. 3054-C and similar
21 orders show exactly the contrary to be true.

22 "45. It is not suggested that the action taken
23 by the prosecution against me is wilfully malicious or
24 intentionally misconceived. It is rather an un-
25 intentional misconception of the importance of the

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1 office held by me as Director of the Naval Affairs Bur-
2 eau. This was a clerical bureau at all times subordinate
3 and responsible to the Navy Minister, and I was never
4 in a position to determine or finally approve of matters
5 of State policy. My presence at many of the policy-
6 making conferences was always in the capacity of a sec-
7 retary, as heretofore outlined, and it is not difficult
8 to understand how this attendance on my part may have
9 been misconstrued.

10 "I am aware of the fact that stories and rumors
11 may have been circulating after the war concerning my
12 alleged power and influence among a so-called 'group'
13 but there is no basis in fact for such rumors. Basically,
14 I have always been opposed to groups and factions, and
15 the mere suggestion of my participation in such a group
16 is erroneous and revolting to my very nature. I was al-
17 ways devoted to performing my duties in the navy in
18 accordance with the regulations and was at all times
19 careful to guide the actions of myself and my sub-
20 ordinates under the best traditions of the navy for the
21 maintenance of military discipline.

22 "I was never in a position, politically or
23 otherwise, and consequently did not conspire with any
24 other military or political figures to initiate or wage
25 any wars of aggression or to commit any of the remaining

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2 eau. This was a clerical bureau at all times subordinate
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8 to understand how this attendance on my part may have
9 been misconstrued.

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11 may have been circulating after the war concerning my
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16 is erroneous and revolting to my very nature. I was al-
17 ways devoted to performing my duties in the navy in
18 accordance with the regulations and was at all times
19 careful to guide the actions of myself and my sub-
20 ordinates under the best traditions of the navy for the
21 maintenance of military discipline.

22 "I was never in a position, politically or
23 otherwise, and consequently did not conspire with any
24 other military or political figures to initiate or wage
25 any wars of aggression or to commit any of the remaining

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1 crimes charged against me. I have spent my life in the
2 service of my country, as a naval officer, and have
3 never swerved from the path of duty, in time of peace
4 or war."

5 I have an additional question to put on direct
6 examination.

7 BY MR. ROBERTS:

8 Q Mr. OKA, to what extent did the Naval Affairs
9 Bureau participate in the handling of prisoners of war?

10 A I should like to tell you the Navy Ministry's
11 handling of prisoners of war, as I believe that will
12 enable you to understand better. I should like to ex-
13 plain to you the matters handled by the Navy Ministry in
14 relation to prisoners of war, as I believe that will
15 enable you to understand the whole question better.

16 In all the various rules and regulations of the
17 Navy Ministry there is none which provides for the
18 treatment of prisoners of war. Matters relating to
19 prisoners of war were therefore handled as matters be-
20 longing to general naval administration. The main points
21 of this were the establishment, the revision, or the
22 abolition or the abolition of rules pertaining to
23 prisoners of war -- to the treatment of prisoners of war.

24 The drafts relating to these affairs were drawn
25 up by the assistants to the Navy Minister and in the

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Navy Ministry they were the chiefs -- they were the
1 Naval Affairs Bureau, the Legal Bureau, the Intendance
2 Bureau, and depending on the matters in question, some-
3 times the Medical Bureau and the Munitions Bureau, but
4 in many cases the navy -- some of these rules had al-
5 ready been established before I came into office and I
6 have never had anything to do with these matters during
7 my tenure of office.
8

The second matter handled was liaison with
9 various offices within the country in regard to the
10 handling of prisoners of war. This was mainly handled
11 by the Naval Affairs Bureau.
12

The third point was various demands coming in
13 to the central authorities from units at the front in
14 regard to the handling of prisoners of war. For instance,
15 the question of funds relating to the internment of
16 prisoners of war, the supply of clothes, and of medicine
17 --- these matters were generally handled by the units
18 at the front which actually had charge of prisoners of
19 war, but when they were unable -- when they found their
20 own resources insufficient, they would make demands or
21 requests of the Navy Ministry. These requests, depend-
22 ing on their nature, would be handled either by the
23 Intendance Bureau, the Medical Bureau, or the Munitions
24 Bureau.
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1 That covers the complete range of subjects
2 handled by the Navy Ministry in relation to prisoner of
3 war affairs.

4 In regard to the actual supervision or control
5 of prisoners of war in battle areas, the commander of a
6 fleet was the supreme authority. In the home -- in the
7 Japanese homeland, the supreme authority was either the
8 commander of the naval station under whose jurisdiction
9 the prisoners of war might be interned or that of --

10 THE INTERPRETER: Correction: Or the commander
11 of a minor naval station where prisoners of war were
12 similarly interned.

13 A (Continuing) The Navy Minister's position
14 vis-a-vis these various commanders was that since the
15 Navy Minister controlled, led all navy men and civilians
16 attached to the navy, he had supervisory powers.

17 That covers the complete range of the Navy
18 Minister's connection with prisoners of war affairs,
19 and that of the Navy Ministry.

20 MR. ROBERTS: You may cross-examine.

21 ACTING PRESIDENT: Captain Robinson.

22 CAPTAIN ROBINSON: Mr. President, the cross-
23 examination will be conducted by Commander Cole.

24 MR. ROBERTS: Another one of the defense counsel
25 desires to examine.

ACTING PRESIDENT: Mr. Blakeney.

1 MR. BLAKENEY: I am cross-examining on behalf
2 of General UMEZU.

3 CROSS-EXAMINATION

4 BY MR. BLAKENEY:

5 Q Mr. Witness, in Section 6 of your affidavit,
6 appearing on pages 3 and 4 of the English version, you
7 state that the navy had little to do with the Manchurian
8 Affair and consequently that you did not do any actual
9 work concerning it.

10 Was there not established in Manchuria, soon
11 after the Manchurian Incident, a naval mission under the
12 jurisdiction of the Japanese Navy?

13 A I recall that; I remember.

14 Q And was not this organization later abolished
15 and its functions transferred to the office of the Naval
16 Attache in Manchukuo?

17 A I believe that was so.

18 Q Do you know whether that office was established
19 originally with or without consultation with the Japan-
20 ese Army?

21 A I don't know anything at all about the circum-
22 stances surrounding the establishment of that mission,
23 and neither do I know what kind of work the naval mission
24 was engaged in.

1 Q Do you know whether it was responsible to or
2 under the jurisdiction of the Commander in Chief of the
3 Kwantung Army?

4 A I don't know, but judging from the circumstances
5 and the structure of the mission, I believe that while
6 it had relation with the Kwantung Army it was not under
7 its command.

8 Q You do know, do you not, that that naval mission,
9 or naval attache's office as it later became, had the
10 guidance of the Manchukuan Navy?

11 A I believe that was so.

12 Q And do you not know that it is a fact that the
13 navy, the Japanese Navy, had a priority in the imports
14 from Manchukuo of phosphorous, iron or iron ore, and
15 other materials?

16 A I knew nothing at all about that.

17 MR. ROBERTS: I want to request from counsel
18 information as to whether this is direct or cross-
19 examination.

20 ACTING PRESIDENT: He announced when he started
21 that it was cross-examination.

22 MR. ROBERTS: Oh, I am sorry.

23 BY MR. BLAKENEY:

24 Q Don't you know that the Japanese Navy had a
25 priority for the imports of diesel fuel for use in

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submarines from the Fushun area?

1 A I don't know whether they had a priority, but
2 I do know that the Japanese Navy did get oil from there.
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1 Q Do you know whether the Navy, Japanese
2 Navy, had or had not officers dispatched to and
3 stationed in the munitions plants of Manchukuo?

4 A I don't know very well about that.

5 Q Don't you know that those officers were
6 stationed there and that they had or assumed author-
7 ity to guide the production of munitions in those
8 plants?

9 MR. ROBERTS: I object on the ground that
10 the question has already been answered.

11 THE INTERPRETER: The witness replied, "I
12 don't know."

13 ACTING PRESIDENT: Let the answer stand.

14 MR. BLAKENEY: I now cross-examine on behalf
15 of Mr. TOGO.

16 Q I want to refer you, Mr. Witness, to
17 section 26 of your affidavit, the part thereof
18 appearing on pages 19 and 20 of the English text.
19 You have stated there that you learned that the
20 final Japanese note to the United States would be
21 delivered in Washington one hour before the opening
22 of hostilities; that is, that it had been so decided
23 after consultation between the Foreign Ministry and
24 the Supreme Command of Army and Navy. Now, am I to
25 understand that as meaning that you learned that the

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1 note was to be delivered at a time which, as the
2 Naval High Command knew, was one hour before the
3 commencement of hostilities or was it your under-
4 standing that the Foreign Ministry knew that the
5 time so set was one hour before the commencement of
6 hostilities?

7 A Since I myself had been thinking about this
8 point with the time set for the attack on Pearl Harbor
9 especially in mind, that point still comes back to me
10 at the present moment. In the negotiations of the
11 Naval General Staff with the Army General Staff and
12 with the Government and with the Foreign Ministry,
13 I believe that the actual time of attack was in mind.

14 THE MONITOR: The word "Government" should
15 be deleted.

16 Q In whose mind?

17 A My belief is that the negotiations were
18 conducted on the basis of the actual time.

19 Q What I am asking you is, that while undoubted-
20 ly the High Command knew the actual time, had you any
21 reason to believe that the Foreign Minister or any
22 Foreign Ministry official knew what would be the
23 actual time of attack?

25 A I don't know.

Q Was the time of attack, the time for which

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1 the attacks were scheduled, ever mentioned to your
2 knowledge in a liaison conference?

3 A I don't believe it ever did.

4 Q Did you know it yourself?

5 A I knew it.

6 Q How did you learn it?

7 A That is the point which I am unable to
8 remember. I believe that probably I must have heard
9 it from the Naval General Staff.

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1 Q Now, you have testified that at a time after
2 the original decision for delivery of the final
3 note to the United States that time was changed,
4 and that after consultation among the Vice Chief of
5 the Naval General Staff and the Vice Chief of the
6 Army General Staff with the Foreign Minister the time
7 for delivery of the note was altered to thirty min-
8 utes prior to the opening of hostilities. Of course,
9 you weren't at that meeting, were you?

10 A No, I wasn't.

11 Q In fact, you said, I believe, that you
12 learned of that only after the war.

13 A After the end of the war.

14 Q Then, have you any knowledge whether at
15 that time, at the time of that consultation, the
16 Foreign Minister had or was given any information
17 concerning the time at which the attack should take
18 place?

19 A What do you mean by when the time of attack
20 would be? I cannot quite get you.

21 Q I mean, have you any reason to believe that
22 the Foreign Minister knew or was at that meeting
23 told at what time the attack would take place?

24 A He didn't know -- I don't know about that.

25 Q By the way, were the points of attack ever

1 mentioned to your knowledge in the liaison conference?

2 A It is not in my recollection.

3 Q Now, about the preparation of the final
4 note to the United States concerning which you have
5 testified to some extent in Section 26 of your affi-
6 davit beginning on page 17 of the English text,
7 please tell me just what part you took in the draft-
8 ing or revision of that final note.

9 A As I was very busy with various matters at
10 the time, I had some difficulty in trying to recol-
11 lect the details, but I have been able to do so from
12 putting different things together in my mind, and now
13 it comes to me that the draft was originally drawn
14 up in the Foreign Office and then passed on to the
15 Navy ministry. And then I ordered my subordinates --
16 I gave this draft to my subordinates and ordered them
17 to study it well. This was a practice which I had
18 always been doing in regard to drafts of a similar
19 nature.

21 ACTING PRESIDENT: We will recess for
22 fifteen minutes.

23 (Whereupon, at 1445, a recess was
24 taken until 1500, after which the proceed-
25 ings were resumed as follows:)

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Mr. Blakeney.

BY MR. BLAKENEY (Continued):

Q I don't know whether you had finished your
answer.

A I, myself, feel that I have not finished,
but I have forgotten how far I went.

MR. BLAKENEY: Well, let it be read back
to him.

(Whereupon, the Japanese court
report read.)

A My subordinates told me that it would be
better to insert words to the effect that we would re-
serve freedom of action. I agreed with their opinion
and immediately contacted Mr. YAMAMOTO, Director of
the American Bureau of the Foreign Office.

THE MONITOR: Informed him about it.

A (Continuing) I have forgotten whether in
contacting Mr. YAMAMOTO I did so by telephone or
whether I sent a messenger. I left things at that,
but when the note was distributed at the Liaison
Conference, as is written in my affidavit, I saw no
such wording in the note as I had suggested, and,
therefore, when the Liaison Conference had been

1 concluded and I was leaving I turned to YAMAMOTO,
2 who was sitting next to me, and told him of that,
3 and asked him: "Do you consider that this is an ulti-
4 matum -- will this be an ultimatum?" YAMAMOTO said:
5 "Yes, this is perfectly all right." And we parted.
6 That is the fact -- those are the facts.

7 Q Well, now, do I understand that this story
8 which you have just told us is the only connection
9 that you had with the preparation of the revision
10 of that final note?

11 A Yes, you may.

12 Q You never at any other time proposed revisions
13 which either were or were not accepted and added to
14 the note?

15 A I don't recall.

16 Q Would you say that in your opinion this pro-
17 posed revision of yours was quite an important matter,
18 or otherwise?

19 ACTING PRESIDENT: I don't think his opinion
20 on that will help the Court any.

21 Q Well, in point of fact, Mr. Witness, this
22 revision of yours is a matter which you entirely for-
23 got until quite lately, isn't it?

24 A Yes. Until this matter became -- was taken
25 up as a problem, I didn't think of it.

1 THE MONITOR: Until after the end of the war.

2 Q In fact, until after this trial had been in
3 progress for several months, isn't that so?

4 A Yes.

5 Q In fact, you didn't remember it at all until
6 Captain SHIBA told you that it happened, did you?

7 A Oh, I knew of that before that.

8 Q Before what?

9 A Well, then, let me explain a little more
10 fully about this matter.

11 Q All right.

12 A Before being interned in Sugamo Prison I was
13 interrogated by the prosecution. At that time I was
14 asked the following question: Did not MUTO and myself
15 go to the Foreign Office and ask Foreign Minister TOGO
16 to have the wording of this note changed? The ques-
17 tion was a sudden one, and, furthermore, these diplo-
18 matic matters were not matters in which I had much
19 interest at the time, and, therefore, this matter had
20 entirely slipped out of my memory. On being asked
21 this sudden question I was unable to recall the cir-
22 cumstances, and I told the prosecutor to that effect.

23
24 When I entered Sugamo Prison I met Foreign
25 Minister TOGO and told him about that matter. Foreign
 Minister TOGO told me: "I, myself, do not recall that

1 you and MUTO ever came to see me on that point." It
2 seemed that the prosecutor's question to me was based
3 on his interrogation of Foreign Minister TOGO, and,
4 therefore, I asked him why this question was put to
5 me. Then Foreign Minister TOGO told me: "YAMAMOTO's
6 first draft which he brought to me and his second
7 draft were quite different, and YAMAMOTO told me--"
8 that is Foreign Minister TOGO, "that this revision
9 had been made at the request of the ministries con-
10 cerned, and, therefore, I--" that is TOGO, "thought
11 that the revision had been made at the request of
12 the War and Navy Ministries, and that is why I replied
13 as I did." And that is how I was able to find out
14 that the fact that I was unable to remember ever having
15 gone to Foreign Minister TOGO to ask for a revision was
16 correct, and that actually I had not gone to Foreign
17 Minister TOGO to do so.

18 When the prosecutor was interrogating me
19 on this point I told him as I just said, that I be-
20 lieved that I had not gone to see Foreign Minister
21 TOGO, and that I did not think any revision had been
22 made. But on thinking the matter over I felt that
23 I had seen this draft somewhere. Then the trial com-
24 menced and I have forgotten the date when I contacted
25 my defense counsel, I was told by him that Captain

1 SHIBA had said such and such a thing, and then for
2 the first time I remembered what SHIBA had told me.
3 I may have asked Foreign Minister TOGO himself on
4 this point in Sugamo because, although I had no clear
5 recollection on that point, I wanted to know whether
6 I had actually visited him or not.

7 Also, what I told YAMAMOTO at the Liaison Con-
8 ference is something that I myself recalled in thinking
9 over this matter. And at the time since YAMAMOTO was
10 also one of the secretaries and MUTO also was another
11 secretary, MUTO must have heard it on the same occasion.
12 So in order to make sure if my memory served me right,
13 I asked MUTO on this point also. MUTO replied that he
14 did remember such an incident. And then I made sure
15 once more about SHIBA's recollection of the affair,
16 and finding out that it was sure, I wrote of it in my
17 affidavit.

18 That is all.
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1 Q Now, when was this that you took up with
2 YAMAMOTO the question of revising the draft?

3 A I don't recall for sure. Of course, I believe
4 it must have been in the beginning of December.

5 Q After the Liaison Conference of the first of
6 December -- Imperial Conference?

7 A Probably it was after. I believe it was after
8 that.

9 Q Now you have said in your affidavit that after
10 this wording was inserted in the draft it was related
11 to Mr. YAMAMOTO. I understand you now to say that you
12 don't know whether that was done by telephone or by
13 messenger.

14 A That is as I said. I forgot to tell you a
15 moment ago but I also asked YAMAMOTO on this point, think-
16 ing that he might remember -- he might possibly remember.

17 Q When was that?

18 A Quite some time ago.

19 Q Since the trial commenced?

20 A Yes.

21 Q About how long ago? Can you fix it more
22 definitely?

23 A Maybe even a year ago.

24 Q And what did he say?

25 A He said neither the first nor the last, that

1 that, neither my proposed revision of the draft nor my
2 talk with him at the Liaison Conference, was in his
3 memory, that he didn't remember anything at all.

4 Q After the preparation of this draft had been
5 either related or sent to MR. YAMAMOTO did you ever
6 talk with him or anyone else in the Foreign Ministry
7 about the matter any other time, I mean, than the one
8 you have mentioned?

9 A No.

10 Q And when you attended the subsequent Liaison
11 Conference and found distributed a draft of a final
12 note without your clause inserted did you call attention
13 of the conference to that question at that time?

14 A No, I didn't call anybody's attention to it
15 except what I told you of what I did after the Liaison
16 Conference finished.

17 Q Had you mentioned the matter before the Liaison
18 Conference or did you mention it during the conference
19 to the Navy Minister?

20 A No.

21 Q Now, when you were interrogated by the members
22 of the International Prosecution Section prior or sub-
23 sequent to your confinement in Sugamo Prison, did you
24 not state that you had taken no part whatever in making
25 up the final draft or revisions thereto and had merely

1 read it and didn't even know when you had first read
2 it?

3 MR. ROBERTS: I object on the ground that this
4 question has been fully answered.

5 MR. BLAKENEY: The question as such has never
6 been put and I don't believe that his long explanation
7 a moment ago about the refreshing of his recollection
8 by other people has gone to this point. He stated
9 then that the prosecution had asked him a specific ques-
10 tion concerning his connection with the Foreign
11 Ministry and that, not then remembering the matter, he
12 had denied that it had occurred, whereas I am asking
13 now about his general testimony given to the prosecution
14 concerning his connection with the drafting or revision
15 of the final note.

16 ACTING PRESIDENT: It is a new question. Objec-
17 tion overruled.

18 MR. ROBERTS: I was about to say that in the
19 long and detailed explanation which this witness has
20 given I believe he has anticipated this question as well
21 as similar questions.

22 MR. BLAKENEY: Will you answer, please?

23 THE WITNESS: May I have the question repeated,
24 please?

25 MR. BLAKENEY: Let it be read.

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(Whereupon, the Japanese reporter
1 read.)
2 A I don't recall at this moment the exact
3 language I used when I replied to the prosecutor but
4 I do know that I did reply on the premise that I knew
5 nothing at all at that time. I did not recall anything
6 at all on the point which he was questioning me about.
7 Q You mean on the general point of the prepar-
8 ation of that note?
9 A Yes.
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Q. Were you in attendance at the Liaison Conference in early December when the matter of the manner of opening of hostilities against the United States was discussed?

A. What do you mean by manner?

Q. The formalities to be followed with regard to giving notice or otherwise.

A. I don't think such questions were discussed.

Q. Were you present at all the liaison conferences in early December?

A. I should have.

Q. So far as you know you were?

A. Yes.

Q. Do you remember some discussion at one of those conferences between the Foreign Minister TOGO and the Vice-Chief of Naval General Staff ITO concerning the giving of a notification to the United States of America before the commencement of hostilities?

A. I don't recall.

Q. Do you remember that in reply to a question to that effect by a member of the International Prosecution Section you gave the opposite answer?

A. I have no recollection of having made such a reply.

Q. All right. Let me ask you specifically

1 whether you remember being interrogated on the 30th
2 of March, 1946, by a representative of the Interna-
3 tional Prosecution Section, at which time you were
4 asked the following question and gave the following
5 answer:

6 "Q Do you recall there was some discussion
7 between TOGO, the Foreign Minister, and Admirals
8 NAGANO and ITO regarding notification of the United
9 States prior to any attack?

10 "A I recall it."

11 Were you asked that question and did you
12 give that answer?

13 A I remember that question very clearly. I
14 also remember very clearly that my reply was exactly
15 opposite to that which you have just read.

16 Q Then the record of that reply of yours as
17 made by the interrogator who was talking to you at
18 that time is incorrect; is that so?

19 A If my reply is purported to be what you have
20 just read, then that was recorded wrongly, incorrectly.

21 Q Was the reply which you now say you gave to
22 the prosecutor at that time to the effect that you did
23 not recall any such conversation or discussion?

24 A Yes. I should like to add that you must be
25 under some misapprehension. I think if you will read

1 the transcription of the interrogation, the parts
2 immediately previous to and immediately following
3 this question and reply, you will see clearly that
4 this reply, if it was such as you have just read, is
5 incorrectly transcribed. The prosecutor who ques-
6 tioned me at that time was a Mr. Morgan, I believe.
7 He questioned me on the basis of Foreign Minister
8 TOGO's interrogation which he had in his hand, and
9 which he showed to me from time to time as he ques-
10 tioned me. I recall that very clearly.

11 Q All right. Now, you have referred to your
12 subsequent answers; so I want to ask you about one more
13 of them. I want to ask you whether the following
14 question was asked you by the interrogator and whether
15 you gave the following answer:

16 "Q What was the gist of the conversation between
17 TOGO, NAGANO, and ITO regarding notification prior to
18 any attack?

19 "A I don't know."

20 Was that question asked you and did you give
21 that answer?

22 "A Yes.

23 Q Well, if you didn't recall any such conversa-
24 tion why did you say that you didn't know the contents
25 of it?

1 A I think I told the prosecutor at the time
2 in regard to the liaison conferences that the form in
3 which these conferences were conducted was such that
4 no special subjects were decided on beforehand. A
5 more or less free exchange of views was held, and
6 people participating in that conference often just
7 talked with their neighbors on various subjects; so
8 that not all the secretaries knew all that was going
9 on in the liaison conference. And, therefore, if one
10 of the participants in a liaison conference declared,
11 affirmed that he had said such and such a thing to
12 such and such a person at the conference someone else
13 who was present at the same conference could not deny
14 that for sure, with conviction. Speaking for myself,
15 I never recall having heard of anything in that nature,
16 and I did not hear anything in that nature.

17 Q Then your position now is that if it happened
18 you didn't know of it, and if this answer is recorded
19 in your interrogation it is incorrect; is that so?

20 A Yes, exactly.

21 MR. BLACKNEY: That is all for me.

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ACTING PRESIDENT: Mr. Logan.

1 MR. LOGAN: On behalf of KIDO.

2 ACTING PRESIDENT: Is this direct or cross-
3 examination?

4 MR. LOGAN: Direct.

5 DIRECT EXAMINATION (Continued)

6 BY MR. LOGAN:

7 Q Admiral, in paragraph 22, pages 15 and 16 of
8 your affidavit, you state that you were surprised when
9 TOJO was commanded to form a new cabinet and that you
10 were hard put to understand how that would aid American-
11 Japanese peace negotiations. Now, at that time, had
12 you had any talks with TOJO to ascertain just what his
13 intent was at that time?

14 A No.

15 Q And you did not know what took place at the
16 Senior Statesmen's Conference, I gather; is that
17 correct?

18 A Yes.

19 Q You did not know at that time that Admirals
20 YONAI and OKADA had opposed a navy man as a new Prime
21 Minister?

22 A I knew nothing about that.

23 Q In forming your opinion at that time, did you
24 take into consideration that TOJO was able to control

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the army when peace negotiations became successful?

1 A I never thought of that.

2 Q Were you of the opinion at that time that a
3 navy man could have controlled the army in the event
4 that peace negotiations were successful?

5 A I never thought of that, either.

6 Q Have you changed your opinion today after
7 hearing all these facts from what it was at the time
8 they occurred as mentioned in your affidavit?

9 A There is no difference. It is just as it is
10 written there.

11 Q Well, you did not know all these facts at
12 that time, and you were hard put to understand them;
13 but now that you know all these facts as revealed after
14 the war was over and at the trial here, are you still
15 of the same opinion, that you are hard put to understand
16 it?

17 A Shall I tell you how I felt at the time in
18 relation to what I have written in my affidavit?

19 Q No, Admiral, you have already stated in your
20 affidavit how you felt at that time. I am wondering
21 how you feel today, since you are now, by your own
22 admission, in possession of facts which you did not
23 have at that time.

24 A Well, today, after hearing of all the various

1 facts presented before this Tribunal, I can only deepen
2 the feeling which I held at the time.

3 Q And yet at that time you formed your opinion
4 without knowing those facts, is that true?

5 A Yes.

6 MR. LOGAN: That is all.

7 ACTING PRESIDENT: Mr. Brannon.

8 MR. BRANNON: On behalf of the accused SHIMADA,
9 further direct.

10 DIRECT EXAMINATION (Continued)

11 BY MR. BRANNON:

12 Q The prosecution has alleged that Admiral
13 SHIMADA became Navy Minister because he was, and was
14 known to be, a supporter of the TOJO policy. Since
15 you were an officer under Admiral SHIMADA, I would
16 like to know if you confirm this, or deny it?

17 A I deny that.

18 Q One more question, Admiral. Was there any
19 element in the Japanese Navy that opposed the changing
20 of this final draft as suggested by you?

22 A This proposed change in the draft was a mere
23 suggestion on the part of the Naval Affairs Bureau.
24 We just happened to think of that and we suggested it
25 to the Foreign Ministry. It was not a strong assertion
on our part. The Navy Ministry's policy was that the

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1 Foreign Office should bear full responsibility in
2 regard to these problems, and, therefore, try to have
3 as little to do with them as possible. We in the Naval
4 Affairs Bureau merely thought of this proposed change
5 and brought it to the attention of the director of the
6 American Bureau of the Foreign Office. So I don't
7 think I even told the Navy Minister about this. I do
8 believe, however, that my subordinate, before bringing
9 this proposed change to me, did contact someone in
10 the Navy General Staff who was in charge of such matters
11 in regard to this proposed change. And in view of the
12 attitude of the Navy Ministry and of the Navy General
13 Staff at the time, I don't believe there would have
14 been anyone who would have opposed it. I, myself,
15 passed it on to the Foreign Office without even bother-
16 ing to tell the Navy Minister about it because I felt
17 certain that he would be sure to agree.

18 MR. BRANNON: That is all, Mr. President.

19 ACTING PRESIDENT: Is there any further
20 examination by defense counsel?

21 MR. ROBERTS: No further examination. You
22 may cross-examine.

23 ACTING PRESIDENT: Commander Cole.
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CROSS-EXAMINATION

1 BY COMMANDER COLE:

2 Q Admiral, during the years covered by the
3 Indictment in this case, and particularly between
4 1931 and 1945, were you mainly in navy headquarters
5 at Tokyo, or in naval duty at sea?

6 A During that period I did spend some time at
7 sea. I was also stationed for a time abroad, but for
8 the greater part I was in Tokyo.

9 Q Is it not a fact that during more than ten
10 years of the fourteen years from 1931 to 1945, you
11 were attached to navy headquarters at Tokyo?

12 A I think so.

13 Q You were promoted to rear admiral on 1 December 1939?

14 A Yes.

15 Q And you were promoted to vice-admiral, the
16 second highest rank in the Japanese Navy, on 1 December 1942, were you not?

17 A Yes.

18 Q And in addition to promotions, you received
19 a decoration in May, 1942, for services in the China
20 Incident, did you not?

21 A I forgot the exact date, but it is as you say.

22 Q In your affidavit you list this decoration

1 and three other decorations which you received. In
2 addition to these four decorations, you received a
3 fifth decoration, from the Nazi Government on
4 9 February 1940, did you not?

5 A Yes.

6 Q Why did you omit this Nazi decoration from
7 your affidavit?

8 A Well, I have omitted several Japanese decora-
9 tions also. I merely listed those which I received
10 for services during war.

11 Q Is it not a fact that this decoration was
12 awarded to you for your services in connection with
13 the conclusion of the Anti-Comintern Pact?

14 A I, myself, did not know why I had been given
15 that decoration. But since I had nothing to do with
16 the conclusion of the Anti-Comintern Pact, I surmized
17 that it was otherwise -- that it was for something else
18 since I had nothing to do with the Anti-Comintern Pact.

19 Q Admiral, your many years in the navy's chief
20 political bureau, your promotions, decorations, and
21 activities, indicate that you were very successful in
22 giving to TOJO and his navy supporters such as SHIMADA,
23 your unquestioning obedience, is that not so?

24 MR. ROBERTS: I object to this question. It
25 assumes a state of facts not in evidence and calls for

1 a conclusion.

2 ACTING PRESIDENT: It is proper on cross-
3 examination. Objection overruled.

4 Q Will you answer, please?

5 A May I have the question repeated, please?

6 ACTING PRESIDENT: Repeat it in the morning.

7 We will adjourn until half-past nine tomorrow
8 morning.

9 (Whereupon, at 1600, an adjournment
10 was taken until Wednesday, 19 November 1947,
11 at 0930.)

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